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ABSTRACT

This guide discusses city planning issues related to family day care zoning. The guide is divided into five sections. The first section discusses child care as a planning issue and focuses on changes in working patterns of families and in residential neighborhoods. The second section describes components of the child care delivery system, which include resource and referral agencies, in-home care, child care centers, and family day care. The third section focuses on family day care and the way in which planning interests are served by family day care. The fourth section discusses zoning ordinances that concern family day care, particularly, the ways in which zoning can limit family day care, the impact of licensing on zoning, the impact of zoning on licensing, analysis of zoning issues, and the process of dealing with legitimate problems caused by a family day care home. The final section discusses zoning solutions, including the definition of family day care, treatment by local law, the small and large family day care home, and desirable provisions for nondiscretionary or discretionary permits. Appendixes include the American Planning Association child care policy, lists of child care resource and referral agencies and state licensing agencies, and a sample permit procedure and permit ordinance. (RJC)

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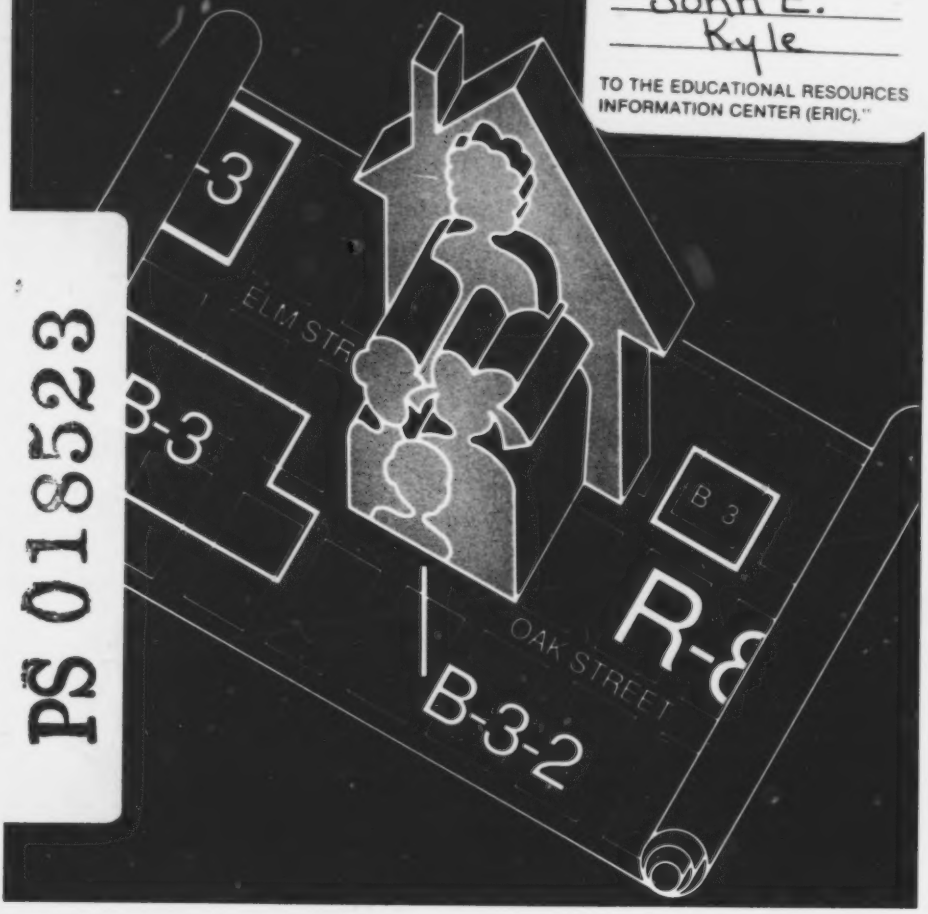

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LOCAL OFFICIALS GUIDE TO

FAMILY DAY CARE ZONING

by Abby Cohen

with the assistance of
Marsha Ritzdorf
and
Vera Vasey

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FOREWORD

Consider these facts about child care:

- Child care is overwhelmingly the most pressing need affecting children and families, according to a recent survey of city halls reported in *Our Future and Our Only Hope*.
- The U.S. Census Bureau reports that two thirds of all women with children under the age of 18 work outside the home.
- The most frequently used type of care outside the home is family day care.
- Zoning, permits and licenses are the responsibilities of municipal governments.

This *Local Officials Guide to Family Day Care Zoning* weaves these facts together in ways that will assist local officials in meeting their responsibilities. It is one thing to know that more child care facilities are needed; it is another to be able to create and operate them within local zoning regulations. This book provides issues, principles, and models from which local officials can write new ordinances and regulations or modify existing ones.

This book represents a collaboration between NLC's Project on Children and Families in Cities and the Child Care Law Center. As such, it is one of many NLC projects that assist and encourage city officials in regard to issues affecting children and families.

Other products and activities of NLC's Kids Project include:

- a survey of 390 city halls regarding children and families;
- on-site study visits to five cities;
- direct technical assistance to two cities;

- networking with local government officials and with organizations related to children and families;
- workshops at the 1988 Congress of Cities and at the 1989 Congressional-City Conference; and
- five publications:

  Our Future and Our Only Hope: A Survey of City Halls Regarding Children and Families (1989)

  Your City's Kids (1988)

  Children, Families & Cities: Programs that Work at the Local Level (1987)

  Local Officials Guide to Family Day Care Zoning (1989)

  Caring for Children: Case Studies of Local Government Child Care Initiatives (1989)

Several people contributed to this effort. John E. Kyle, Project Director for NLC's Project on Children and Families in Cities, guided this collaboration to a successful conclusion. Abby Cohen, Managing Attorney for the Child Care Law Center, was the lead author for the book. Council Member Barbara Miller Asher of Atlanta, Georgia, and Terry Holzheimer, AICP, Director of Planning for Legg Mason Realty Group, provided thoughtful critiques of the draft. Clint Page edited and produced the book. NLC appreciates their good work.

We also appreciate the funding support for producing and printing the book that was given by Carnegie Corporation of New York, the Lilly Endowment, and the Rockefeller Foundation through their grants to the Children and Families in Cities Project.

Alan Beals
Executive Director
NLC

FROM THE AUTHORS

It is a rewarding experience to work on a problem extensively, especially a problem that is critical to the future of child care, and find support for developing solutions. Support for this *Family Day Care Zoning Guide* has come from many quarters, only some of which, I'm afraid, will get their due in these acknowledgements. So, at the outset, let me thank the many individuals, be they child care advocates, providers, planners, elected officials, or lawyers, who over the years have contributed to our understanding of zoning problems and who have worked tirelessly to eliminate them.

The extensive research, writing, and editing necessary to produce this book for planners/elected officials and companion materials for family day care providers/child care advocates was made possible by the A.L. Mailman Family Foundation, Inc. of New York. Seemingly invisible to all but planners and providers, zoning plays a critical role in the availability of family day care all across this country. For Mailman's timely recognition of the national importance of zoning for family day care and for its support of the Child Care Law Center in the development of this book and companion materials for family day care providers, we are especially grateful. We appreciate the support and input of Luba Lynch, Mailman's Executive Director, and Marilyn Segal, who serves on the Board of Directors, although the opinions expressed here are strictly those of the authors.

Marsha Ritzdorf, Associate Professor of Planning at the University of Oregon in Eugene, made a major contribution to the development of this publication and deserves special recognition. Her understanding and commitment to the issue of zoning and child care; her expertise in planning; her contributions of writing, editing and brainstorming; her high energy; and her continued good humor throughout were wonderful assets to this project.

My thanks also go to the Child Care Law Center staff, especially Vera Vasey, Carol Stevenson, and Lorraine Allen. Vera, our tireless paralegal, has reviewed zoning ordinances too numerous to mention, has spoken with countless planners, and has researched and written many of the background papers

necessary to produce this book. Carol Stevenson, staff attorney, has been preparing the companion materials for use by child care providers as I have prepared this book for local officials. Her expertise is extensive and invaluable. Lorraine Allen, who has the patience of a saint, has word processed "umpteen" drafts of this document without complaint; the fruits of her work are also seen in this book. Thanks are also owed to Marcia Rosen, Special Counsel to the Child Care Law Center, who reviewed this manuscript at an early stage.

As with many of our projects, we convened a panel with national representation to guide us in our work. Their guidance proved to be invaluable. Panel members shared their time, experiences, concerns, and insights, improving this work immeasurably. Panel members included: Marsha Ritzdorf, Planner, Eugene, Oregon; Ann Cibulskis, Planner, Chicago, Illinois; Paula Schnitzer, Planner, Somerville, Massachusetts; Lynn Mineur, Planner, Lewiston, Idaho; Gail Price, Planner, Silver Spring, Maryland; Jacquie Swaback, Planner, Sacramento, California; Patty Siegel, Child Care Advocate, San Francisco, California; Ann Macrory and Elizabeth Hough, Lawyers, Washington, D.C.; Tutti Sherlock, Child Care Advocate, Rochester, Minnesota; Linda Eggbeer, Child Care Advocate, Washington, D.C.; Nancy Kolben, Child Care Advocate, New York, N.Y., Abby Leibman, Lawyer, Los Angeles, California; Diane Adams, Child Care Advocate, Madison, Wisconsin; and Nancy Travis and Joe Perreault, Child Care Advocates, Atlanta, Georgia. Many of these panelists read drafts of this *Guide* and offered helpful comments; Ann Cibulskis of the American Planning Association also assisted Vera Vasey in tracking down useful and hard to obtain materials.

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In September of 1987, the American Planning Association Board of Directors ratified a policy statement on the Provision of Child Care (see Appendix One). The statement advocates the inclusion of child care policies as part of local comprehensive and/or social service plans and encourages communities to amend their local ordinances to remove obstacles to the provision of child care in all zoning districts.

The need for affordable, high quality, and conveniently located child care is one of the most pressing concerns of contemporary family life. Family day care homes are the most common out-of-home child care arrangement selected by working parents. These home settings, in which an adult typically cares for several children, provide the neighborhood-based environment that many working parents want for their children.

This book is designed to help planners, planning commission members, and elected officials provide their communities with high quality family day care while balancing the needs and desires of other residents. It provides information on the child care delivery system, explanations of the nature of family day care, the important relationship between licensing and local land use laws, and specific suggestions for revising local ordinances to accommodate family day care. It discusses the questions communities most often must address to obtain citizen support and reviews the available studies relating to concerns such as property values, noise, and traffic as they relate to family day care homes. Finally, it provides sample local ordinances and provisions.

The Child Care Law Center has been in the forefront of child care and planning issues for ten years. It is well known to planners and elected officials around the country who have already grappled with these issues. It has been my pleasure to work with the Law Center on the preparation of this *Local Officials Guide to Family Day Care Zoning*.

Marsha Ritzdorf
Immediate Past Director, PAW
American Planning Association Task Force on Women and Minorities

INTRODUCTION

The need for child care has become one of our country's most pressing concerns. As the pressure builds for affordable, high quality, and conveniently located child care programs, planners and elected officials increasingly will be asked to recommend where child care programs ought to be located in their communities.

The most widely used form of out-of-home care is family day care, which by definition typically must occur in the home of a provider. Despite the demand for more family day care, it remains in short supply. Many of the factors that contribute to the lack of an adequate supply, such as lack of resources to help pay for care or low wages of caregivers, are very complex and difficult to remedy. However, one factor – zoning – is something that local officials and planners have the opportunity and power to use to promote rather than impede the development of family day care. Aspects of existing or prospective zoning ordinances that can affect the supply of family day care, and that therefore merit a thoughtful review, are:

- incorporation of a correct and consistent definition of family day care;
- the need for consistency between local zoning requirements and state licensing laws;
- the need to avoid inappropriate or excessively onerous permitting processes;
- treatment of family day care as a home occupation despite the inability of family day care homes to meet home occupation requirements; and

- consideration of which zones in which family day care ought to be located.

This *Local Officials Guide to Family Day Care Zoning* describes the experiences family day care homes have encountered with zoning ordinances across the country. It analyzes the impacts of a family day care home in a residential neighborhood. Distinctions are drawn between those based on facts, those based on speculation, and those based on misperception. Viable mechanisms available to planners and elected officials to address real impacts are described.

The book concludes with recommendations that would help expand the local supply of family day care homes while balancing the interests of other residents. Specific recommendations at the local level include:

- review local ordinances to ensure that definitions and requirements for family day care homes are in conformity with state law;
- permit small family day care homes by right in all residential zones;
- depending on the upper limit of the large family day care home, permit these homes by right in all residential zones or impose a nondiscretionary permit process that limits review to parking, traffic, and noise; and
- develop information available to the public that clearly and simply outlines zoning requirements as they apply to family day care.

The book includes a sample local ordinance and selected provisions from around the country that may be used in developing an ordinance for your community. An example of a local planning department's fact sheet on family day care is also included.

Child care has moved permanently into the arena of public planning. It is a major societal concern as mothers move in ever growing numbers into the paid workforce. Local initiatives to increase the number of licensed family day care homes are necessary as parents search for homelike, convenient, safe, and affordable options for their children.

Local officials and planners have both a challenge and an opportunity to ensure that zoning encourages rather than hinders the development of these critically needed homes. It is the author's hope that this *Guide* will assist cities and counties in their efforts.

Planners and elected officials who are concerned about child care and would like further information on ways to become involved in other issues related to the provision of child care (zoning and **child care centers**, impact fees and exactions, deed restrictions, developer agreements and/or revising general plans) are urged to contact the Child Care Law Center for information. The Child Care Law Center recently published *Planning for Child Care*, edited by Abby J. Cohen, which explores land use planning and development as they

relate to child care. Contact Abby J. Cohen, Managing Attorney, Child Care Law Center, 22 Second Street, 5th Floor, San Francisco, CA 94105; telephone (415) 495-5498.

CHAPTER ONE

CHILD CARE AS A PLANNING ISSUE

The issue of siting family day care homes and child care centers is already on the planning commission agenda of almost every American municipality. This *Local Officials Guide* focuses specifically on siting family day care homes.

Much has changed in the working patterns of today's families. In large part because of the dramatic increase of working mothers, today many homes sit empty all day. Nearly two thirds of all women with children under the age of 18 work outside the home (62.8 percent as of March, 1986 census data). Nearly half of all mothers of children under the age of one worked outside the home during the same period. Contrary to popular belief, most working mothers work full time. In 1985, 82 percent of employed single mothers and 68 percent of employed married mothers held full-time jobs.

The vast majority of these mothers are using child care outside the home. The type of care they pick most often is the family day care home discussed in this *Guide*. The National Commission on Working Women reported that in 1982, 40.2 percent of families chose family day care for their children.

The number of children needing care greatly exceeds the number of licensed child care spaces. This is especially true for infants, toddlers, and children of school age. Even when children cared for by relatives and in unregulated (or "underground") family day care are added, many more spaces are needed to meet current demand.

And how about the future? According to a recent study of forces shaping the real estate market, child care will be a major development issue in the next decade (Lachman and Martin, 1987). In addition, child care availability is becoming a critical factor in economic development decisions. Many large corporations now hire firms to assess the child care availability in communities they are considering for new or expanded investment, and communities themselves are promoting the availability of child care as one of the features of their positive business climate to encourage relocation of businesses (Montgomery County Economic Group, Montgomery County, Pennsylvania, undated).

Much has also changed in today's residential neighborhoods. Workers commuting long distances to work worry about the security of their homes in the absence of available neighbors to keep a lookout. Children often return home to an empty house on an empty block. Enabling and promoting family day care in residential neighborhoods promotes the continued vitality and safety of neighborhoods.

Current developments at the federal level indicate that some form of federal support for child care will occur in the next decade. The majority of young American children already spend their day in child care.

Despite all these changes, one thing has remained consistent. Americans continue to place a high value on raising their children in low-density residential environments. Communities need to begin now to plan for the inclusion of family day care homes in residential neighborhoods to make this possible.

CHAPTER TWO

THE CHILD CARE DELIVERY SYSTEM

The child care delivery system in the United States is characterized by tremendous diversity. In addition to a wide array of program types, there is also a great variety of program sponsors, including public agencies, private non-profits, private proprietaries (from sole proprietorships to large chains), schools, and religious organizations. There are currently no federal licensing standards for child care.[1] State regulation of child care differs in the types of child care regulated, the nature and degree of regulation, and the definition of each of the components of the child care delivery system. Even so, some generalizations can be made.

COMPONENTS OF THE SYSTEM

The most common components of state child care delivery systems are resource and referral agencies (or "R & Rs", as they are commonly known), child care centers, family day care homes, and care in the parents' own home (called "in-home care"). Typically, resource and referral agencies and in-home care are not formally regulated, although they may be informally controlled if the state purchases services from, or funds, these programs.

RESOURCE AND REFERRAL AGENCIES

Resource and referral agencies are organizations (mostly non-profit, but sometimes governmental or proprietary) that generally provide three basic services: help and referrals for parents seeking child care, technical assistance to providers seeking to establish and maintain child care programs, and advocacy on behalf of the developing child care system. This advocacy is informed

by a firsthand knowledge of parents and providers and by a data base that includes information on local child care demand and supply.

R & Rs may be excellent sources of information about child care in your community. Your state may be fortunate to have a well-developed system of R & Rs with one in each county, or there may only be a few in the entire state. For further information on R & Rs, see Appendix Two.

IN-HOME CARE

"In-home" care can mean a variety of things – a paid child care provider, babysitter, or nanny who comes to the parent's home, or care by an unpaid neighbor or relative. Studies of the child care arrangements of working mothers for their children under five indicate that approximately 29 percent of these arrangements involve in-home care (Bureau of the Census, 1987).

This in-home care is frequently provided by the father or another relative, but it also includes fulltime paid caregivers in the home. The vast majority of states do not formally regulate in-home care.

CHILD CARE CENTERS

The most common definition of a child care center is any place, including a residence but not usually a residence, that provides care for thirteen or more children. The number of children triggering the term "child care center", however, varies from state to state. The care and supervision provided to any one child must be of less than twenty-four hours duration, but in some cases the center itself may be open twenty-four hours.

Child care should be carefully distinguished from residential care. Residential care (defined as care exceeding twenty-four hours, such as foster care), tends to be a **substitute** for parental care rather than a **supplement** to parental care. Residential programs typically involve more extensive state regulation and monitoring than child care programs and may involve different land use planning concerns and impacts.

Child care centers are the most stringently regulated form of child care. State regulations establish and enforce a set of minimum health and safety standards for both the provider and the facility. These standards deal with the physical facility, qualifications of staff, staff-child ratios, equipment, nutrition, and a host of other areas. The topics regulated and the degree of regulation vary widely from state to state. For further information about how your state regulates and defines child care centers, consult the appropriate state agency listed in Appendix Three.

FAMILY DAY CARE

Currently, the most widely used form of out-of-home care in the U.S. is family day care. It is called "family day care" because it is provided in a family

home – specifically the provider's. In virtually all states, family day care is defined as the care and supervision of children for less than twenty-four hours in **the provider's own home** (Morgan, 1987). While the definition usually includes the term "day", this is not meant to preclude night care as long as the care provided to any one child is for less than 24 hours. State family day care definitions generally include provisions dealing with the minimum number of children triggering licensure requirements and the maximum number of children allowed in care. Some states do not regulate care if less than three or four children are involved, while others regulate care if even one child from outside the provider's family is cared for in the provider's home.

All states specify a maximum number of children that can be cared for in family day care homes; the most common maximum number is twelve. In some states this includes the provider's own children under a certain age; in others it does not. Also, some states allow a few additional part-time school-age children beyond the usual maximum; most do not.

Regulation of family day care may be in the form of "licensing" or "registration". Licensing sets minimum standards of health and safety below which no program may legally operate. Typically, licensing includes an on-site visit prior to licensure and involves periodic inspections thereafter to ensure continued compliance. Registration is a variation on licensing. It usually involves a self-certification system in which a provider verifies that regulatory requirements have been met. It relies more heavily on consumers (parents) to monitor compliance with standards than traditional licensing schemes do and may not require that inspection take place before the home is registered. The minimum standards and how they are enforced vary substantially among the states (NAEYC, 1987)

Twenty-nine states maintain two categories of family day care homes. The categories are generally distinguished by numbers of children cared for, numbers of required providers, and, often, training and qualifications of providers. The homes serving larger numbers of children are known by a variety of names, including large family day care homes (California), group homes (in Texas, Pennsylvania), mini-day care programs (Washington) and even small centers (Colorado) (Morgan, 1987). For further information about how your state regulates and defines family day care, consult the appropriate state agency listed in Appendix Three.

CHAPTER THREE

FOCUS ON FAMILY DAY CARE

f all the features of family day care, none is more important than its location within the provider's own home, in residential surroundings. It is not simply enough that care takes place in a residential **structure**. The concern for a residential environment also requires that the residential structure be currently **occupied as a residence by the family day care provider**. This is part of most states' legal definitions of family day care.

Most licensing statutes make no distinctions among family day care homes in detached single family dwellings, in attached single family dwellings, or in multifamily units. Providers are licensed if they meet licensing requirements, in effect applying the same minimum health and safety standards to family day care providers regardless of the type of structure. There is, so far, no planning research that distinguishes the potentially different impacts of family day care in single versus multifamily dwellings. In some cases it may be legitimate to develop reasonable traffic, noise, parking, or concentration standards for family day care homes in multifamily units – as long as such standards reflect genuine public planning impacts and not private concerns. But any such standards should be based on research to determine the actual impacts and the standards needed.

It is not surprising that many parents prefer that their children be cared for in a home setting, rather than in an institutional one. Family day care providers can provide informal, flexible arrangements and the intangible benefits of family life, including "all the comforts of home."

Family day care homes, if they are located in the child's neighborhood, will typically be familiar to the child and similar to the family home. The family day care home's proximity to the family home is also important for the parents'

convenience, frequently minimizing the need to travel long distances, which adds to parental stress and strain.[2] Locations close to home also alleviate the need to travel into a congested downtown core with small children, which may be especially difficult on public transportation. Often, the provider and the parents will share similar values in childrearing. Other reasons parents frequently desire or prefer family day care include:

- small groups and more individualized attention;
- provision for care of children on a part-time basis;
- less structured programs, allowing developmentally appropriate activities;
- affordable cost;
- flexible scheduling for parents with long hours and odd working schedules, such as night and weekend shifts;
- ability to care for very young children (often prohibited or severely limited in day care centers by state regulations);
- ability to care for children who are mildly ill;
- ability to care for children with special needs;
- ability to provide care for children of differing ages from the same family, including infants, pre-schoolers, and school-age children; and
- greater adaptability to meeting the emergency needs of families.

WHY PLANNING INTERESTS ARE SERVED BY FAMILY DAY CARE

Demographic trends indicate that the current increasing demand for child care programs will continue for some period of time. It is also expected, however, that demand will then level off and for some age groups actually decline before a new demand cycle begins. More important, the demand for child care will change over time within particular neighborhoods and even within families. This constant flux suggests the need for a flexible supply.

Family day care meets that need, since any home can become a family day care home (typically no special location, design, or size is required) and since any family day care home can revert to a "regular" home when the children in the neighborhood are grown and the demand for care declines. By providing for programs in regular homes, child care supply can be more easily calibrated to demand without the costs and inefficiencies associated with the development of specialized institutional facilities.

AN INDISTINGUISHABLE NEIGHBOR

A family day care home is virtually indistinguishable from other homes on a residential street. Caring for children is one of the most traditional residential activities to occur within a home. The nature of activities taking place in a family day care home – playing outdoors under supervision, eating, napping, and learning – are wholly comparable to activities taking place in other homes in the neighborhood. No activities could be more naturally located in a residential district.

Indeed, the very purpose of the single family zone was to create a hospitable and secure environment for child raising. In *Euclid v. Ambler* (1926) 272 U.S. 265, at 391, the court based its approval of excluding non-residences from residential zones in part on the desire to "preserve a more favorable environment in which to raise children." As a recent planning report from Seattle noted (Seattle Department of Construction and Land Use, 1988),". . . Residential areas promote the safety and well-being of children by providing outdoor play areas, natural light and ventilation, away from the noise and congestion of more intensely developed areas." **Therefore, throughout this Guide any use of the word "residential" includes, indeed emphasizes, the inclusion of family day care homes in single family residential zones.**

SERVICE OR BUSINESS?

Child care is appropriately viewed as an essential community service. The overwhelming need for a greater supply of affordable high quality child care has been thoroughly documented in all communities, whether urban, suburban, or rural.[3] Just as communities have acknowledged the need for, and desirability of, schools, libraries, and houses of worship in residential neighborhoods because of their compatibility with residential life and the fundamental importance of the services they offer, they are beginning to acknowledge that child care is a similar essential community service.

As Williams commented in his treatise on *American Land Planning Law*:

> "In all kinds of American cities and towns. . . nothing is more familiar than to find schools, churches, parks and playgrounds, and so on, in the midst of residential development. This is not accidental; such facilities are there because they belong there.
>
> Such facilities play an important role in the life of such areas, by making some of the most important services available for the residents conveniently near to where they live (Williams, 1974)."

Despite the importance of the services they perform, family day care providers are not engaged in a lucrative profession. In 1978, the National Day Care Home Study reported that the average weekly net income for family day

care providers ranged between $50.27 and $62.09 (Fosburg, 1981). In 1984, 90 percent of private household child care workers earned poverty level wages (NAEYC, 1985). Even if family day care providers earned a decent living wage, however, the nature of their activities are more residential than commercial in character. Homes in which hired help provide full time care are not viewed as commercial uses. Simply because a child comes to a provider's home rather than **vice versa** does not change the character of the activity. For a complete discussion of the differences between family day care homes and commercial home occupations, see Chapter Four.

CHAPTER FOUR

ZONING AND FAMILY DAY CARE

Despite the demand for more family day care, it remains in short supply. Elected officials and planners have an opportunity to expand the numbers of family day care homes in their communities by reviewing any zoning ordinances that concern family day care. A well-considered ordinance can do much to contribute to the development of local family day care. By contrast, inappropriate treatment of family day care homes in local zoning ordinances can operate as a major impediment to the development of this much needed form of child care.

Burdensome ordinances may not necessarily inhibit **absolute** supply because prospective providers who view the approval process as futile may simply operate "underground" – that is, without meeting regulations. But inappropriate or burdensome zoning laws still decrease **available** supply, because "underground" providers, who don't advertise and aren't listed by R & Rs, are harder for parents to find. Furthermore, parents who use unlicensed care lack the assurance that the care they do find meets the state's basic health and safety standards. Thus, inappropriate zoning provisions may either hinder the development of more licensed family day care homes or encourage illegal operations that are much more difficult to police. In either case, restrictive zoning can adversely affect the operation of licensed family day care homes.

HOW ZONING CAN LIMIT FAMILY DAY CARE

Local zoning ordinances may limit the supply of licensed family day care in a number of ways. By reviewing the following problem areas, planners and elected officials can avoid these same pitfalls in their own zoning efforts.

ABSOLUTE PROHIBITION IN RESIDENTIAL AREAS

Zoning ordinances may explicitly exclude family day care homes from residential zones, where, according to most states' definitions, they are required to operate. In an Arizona study conducted in 1976, two entire counties prohibited family day care in all residential districts (Pollard, 1976). Other examples of absolute prohibitions include ordinances found in cities in Michigan, New York, and Ohio.

LACK OF DISTINCTIVE DEFINITION

The zoning ordinance may fail to define family day care or fail to distinguish between family day care and other forms of out-of-home child care. As a result, family care providers may have to meet standards more appropriate to centers or residential care. Most local ordinances were drafted long before child care became a pressing need for working parents, and, therefore, many ordinances simply didn't address the child care issue. Ordinances may use terms like "day nurseries" or "nursery schools", which may have no counterpart in a particular state's modern licensing laws.

The prevalence of this problem has been documented in a nationwide stratified random sample zoning survey conducted in 1984 (Ritzdorf, 1987). Of 142 respondent communities, only 10 percent defined family day care homes and child care centers separately, and only 37 percent distinguished small day care homes from day care centers in their regulatory approach. As the study's author noted, "Often, the result of this lack of differentiation is the treatment of all day care facilities as if they were large, commercial operations." This conclusion was borne out by her survey, which indicated that 41 of the respondent communities required a special use permit to operate a small (six or fewer children) family day care home in a residential zone.

LACK OF CONSISTENCY WITH LICENSING

The zoning ordinance may lack consistency with state regulatory schemes with regard to both definitions and requirements, subjecting providers to inconsistent requirements. In a survey conducted in Connecticut in 1984, in

only 7 of 114 towns surveyed was the terminology consistent between the zoning ordinances and state licensing laws (Lee, 1984).

Inconsistent Definitions

Problems arise when a local zoning ordinance defines only "nursery schools" or "preschools", and there is no such category to be found in the licensing law. Ordinances in one California city combine family day care homes and child care centers as "day nurseries," a term not found in California's licensing law. Similarly, a Delaware county defines care for seven or more children as a kindergarten, preschool, or a day nursery, while the state has a licensing category of group day care homes serving seven to eleven children.

Inconsistent Regulations

Problems arise when the locality regulates issues that are subject to state licensing laws or are beyond appropriate zoning control. The zoning ordinance inappropriately may regulate numbers of children, hours of operation, numbers of employees, and required square footage. One California city was successfully sued for limiting large family day care homes to ten children when state law allows twelve to be cared for. In the 1984 Connecticut survey cited above, all the towns whose zoning ordinances specifically referred to family day care homes limited their capacity to four children although the state law allowed six. A number of communities required more outdoor play space per child than required by state law, making the provision of care virtually impossible.

As a Prince William County, Virginia, 1984 staff report in support of "amending the child care uses in all zoning districts" noted (Prince William County Planning Office, 1984):

> "The reasoning behind the elimination of design regulation in the Zoning Ordinance was basically that the principal purpose behind the Zoning Ordinance identifying and regulating child care facilities as a specific use was to determine, on the basis of general land use criteria, where such a facility should be located. Further regulation of such things as design and play area, etc. only added a second layer of County regulation to the already existing and very detailed layer of State regulation, and created the possibility that County and State regulations could conflict. This possibility, ironically, has now become true for the definition of a child care facility contained in the 1982 Zoning Ordinance. . .".

At times the conflict may be so direct that the provider is placed in the untenable position of "choosing" which law to violate. The zoning ordinance in one California city, for example, forbids a large family day care home from employing an assistant while state law requires that an assistant be present at all times.

ONEROUS PERMITTING PROCESSES

In those instances in which family day care is permitted, but not by right, the planning department may require a family day care provider to seek a "conditional use" permit, "special exception" permit, or whatever the "special permit" is locally termed. Family day care providers are often required to meet unrealistic conditions imposed by the planning department before a permit will be issued. **Although some of these conditions might be appropriate for a child care center, they are not appropriate for family day care homes**. Some examples that should be avoided are:

- Conditioning approval on impossible alterations or modifications, such as widening one's street or keeping the children indoors at all times.
- Unreasonably high fees to pay for the conditional use permit process. In some communities, providers are also required to obtain site plans developed by a professional architect or engineer, environmental impact studies, architectural plans, and the like, which make the cost to the provider even greater.
- Conditions that are excessively costly, such as masonry walls around the provider's property rather than inexpensive fencing or shrubbery.
- Conditions unrelated to land use issues, such as a condition that the program only operate part day, or hire a certain number of employees.
- Burdensome and intimidating public hearings to gain approvals to operate.
- A lengthy review process that may entail months before approval. In one Virginia county, the public hearing process required for homes serving six to nine children takes an estimated four to six months to complete. This is of particular concern in states that require zoning approvals prior to licensing approvals, because it further delays beginning operation.
- Requiring that these conditional use permits be renewed or reviewed annually.

For providers serving small numbers of children, the emotional and financial burdens of the typical conditional use or special use permit process may often outweigh the positive aspects of operating legally. Local officials need to balance the need for appropriate zoning with the need to have all operators

be willing and able to come under the law, thereby inspiring consumer confidence that providers are operating legally.

THE IMPACT OF LICENSING ON ZONING

The purpose of licensing, as previously discussed, is to enforce minimum health and safety standards below which no child care facility may legally operate. In most states, licensing operates as a comprehensive state scheme (sometimes administered at the county level) governing operational aspects of out-of-home care for children.

Using zoning powers to regulate areas covered by state child care licensing laws will result in confusion. If there are concerns about the adequacy or enforcement of these regulatory standards, local zoning officials should contact the state licensing agency or provide input to appropriate advocates and legislators to improve the statewide regulatory scheme.

In addition to state health and safety regulations, the scope of permissible and desirable local zoning still will be limited by the areas already regulated by the state. These areas are likely to include fencing (types and heights), sanitary conditions, numbers of children allowed in care ("capacity"), and provider qualifications. Consequently, it is very important to check state legislative and regulatory requirements before drafting zoning ordinances affecting family day care. Just as planners have made strides in removing fire and building requirements from zoning ordinances, similar efforts must be made to exclude or delete licensing-like requirements from zoning ordinances. Reviewing licensing requirements when drafting or revising zoning ordinances can avoid unnecessary, duplicative, and inconsistent zoning requirements.

Thirteen states have some form of zoning preemption law for family day care homes. These preemption measures typically forbid the prohibition of family day care in residential districts, and prescribe how family day care is to be treated by local zoning authorities, if it is to be treated at all. Generally, family day care homes are to be treated in the same manner as any other residential property, with no additional requirements imposed. For further discussion of state preemption, see Chapter Five.

THE IMPACT OF ZONING ON LICENSING

The primary purpose of state regulation of family day care is to safeguard the health and safety of children. If local zoning requirements are excessive and onerous, the already difficult job of persuading individuals to become family day care providers – and of convincing unregulated, unlicensed providers to

come "above ground" and become licensed – becomes more difficult. When the process of seeking zoning approval appears futile or impossible, many providers prefer to stay unregulated. This makes the job of protecting children in care through appropriate enforcement much more difficult (if not impossible), while at the same time it makes the parents' task of finding care more difficult.

Since compliance with local zoning laws is not required – or even mentioned – in many states' licensing application materials, providers are often surprised to discover, once they are licensed, that they are subject to additional local requirements. Licensed providers who have had no problems with neighbors may not understand if zoning approvals are not routinely granted. Providers who do go through an expensive and excessively burdensome zoning process may feel that they have been penalized for trying to operate legitimately. These feelings are further compounded if zoning approvals are ultimately denied. This has discouraged other providers from legitimizing their services in the past and continues to do so.

HOME OCCUPATION ORDINANCES: AN INAPPROPRIATE VEHICLE TO REGULATE THE ZONING OF FAMILY DAY CARE

The unique qualities of family day care distinguish it from other businesses regulated as home occupations for zoning purposes. Unlike all other forms of activities considered home occupations, family day care by definition (in virtually all cases) **must** take place within a residence, according to state laws or regulations. Most home occupation ordinances require family day care providers to meet inappropriate requirements. Simply put, there is a less than perfect fit between home occupation ordinances and family day care.

EXISTING HOME OCCUPATION ORDINANCES

Typical home occupation ordinances permit businesses in the home if they are "incidental to the primary use" of the building as a residence. The intent is to ensure that the home occupation does not grow to a point where it dominates or excludes residential use.

Limitations in home occupation ordinances typically include the following:

- any traffic, noise, glare, dust, smoke, etc. created by the business must be characteristic of single-family (residential) dwellings;
- there must be no exterior evidence of the business, such as signs;
- employees of the home occupation are strictly limited, often to one household member;
- adequate off-street parking must be provided;

- the home occupation is restricted to the principal building; and
- the home occupation is limited to 20 percent of the floor space or some minor portion of the home.

These ordinances may also require that only "customary home occupations" such as dressmakers and milliners and "professional occupations" such as medical and legal offices be allowed in residential neighborhoods.

How do these Ordinances Act as Barriers to Family Day Care?

Each of the limitations described above may result in the exclusion or restriction of family day care in residential areas even though the home differs little from its neighbors.

The clearest restriction is the one that limits the home occupation to a "minor portion" or "20 percent of the floor space" of the home. One Pennsylvania township, for example, treats family day care as a home occupation, but home occupations are limited to 500 square feet of the residence. Many family day care providers use more than 500 square feet of their homes when caring for children, and most use more than 20 percent of the floor space in their homes for their child care programs. They often use a living room or recreation room for play, a bedroom for napping, the kitchen for preparing meals or working on arts and crafts projects and of course, the bathroom(s). Moreover, the activities always extend beyond the "principal building" since the exterior premises (back yard, front yard, and side yard(s)) are needed for outdoor play. **Indeed, the Internal Revenue Service was forced to acknowledge this, creating separate rules for family day care as distinguished from all other home occupations.** IRS Code Section 280 (A)(c)(4) creates an exception for family day care to the usual rules for allocating business use of a home for tax purposes.

Requirements concerning the number of non-household employees may also be difficult or impossible to meet. Although most small family day care homes will only involve one household member as child care provider (licensee), some small homes and nearly all larger homes will employ an assistant. Small homes may wish to hire an assistant to enhance the quality of their programs. Large homes typically must have an assistant caregiver to meet state regulations. By limiting the number of nonhousehold employees, home occupation ordinances effectively diminish the quality of family day care and potentially eliminate large family day care homes completely.

Some states allow only those home occupations specifically listed in the ordinances. Since regulated family day care developed after most home occupation ordinances were adopted, family day care will often be excluded because it is not named.

Family day care may also be excluded when only "customary" and/or "professional" uses are allowed under the home occupation ordinance. Customary uses were originally allowed because it was felt that those uses that were customary and incidental to primary use of the dwelling were wholly compatible

with residential use. Applying the "customary" label today arbitrarily legitimizes common uses typical of the early part of the century such as dressmakers or milliners while excluding uses that are currently customary, such as child care. Some commentators have noted that while certain home occupations may be "customarily incidental and subordinate . . . to the main use, reasonable persons may differ," as to what is incidental and subordinate, thereby leaving the extent of occupational use permitted by such a definition uncertain.

Professional uses were included as a specific type of customary home occupation in all likelihood to avoid alienating respected individuals in the community. The effect, however, is to arbitrarily exclude individuals not deemed professionals based on criteria such as income, education, and socio-economic status, all of which bear no relationship to legitimate zoning concerns. In practice, these classifications have assisted high income professions such as law and medicine while frequently excluding lower income occupations such as music teachers and child care providers.

While family day care may share certain characteristics with other "home occupations," its very definition requires that it occur in a residence. Moreover, applying the typical restrictions found in home occupation ordinances effectively precludes the establishment of family day care homes in residential zones. Thus, it becomes apparent that home occupation ordinances are inappropriate for local land use regulation of family day care. Recognizing these distinctions, the East Lansing, Michigan, city code specifically indicates that family day care is to be considered separately from home occupations (City of East Lansing, Michigan, City Code Section 5.5 (25)):

> ". . .Also, for the purposes of this Chapter 'child care organizations', as defined in Paragraph (8) of this Section [includes family day care homes, group day care homes and child care centers] shall be considered separate from Home Occupations."

ANALYZING THE ISSUES

In 1966, before today's widespread public recognition of the need for child care, Oakland, California surveyed neighborhood attitudes toward day care facilities. The study grew from a concern that while there was a growing need for child care, there were also widespread neighborhood objections to the development of facilities to meet that need. As the study, titled *Day Care Facilities for the Children of Oakland: A Study of Neighbors' Attitudes* (Oakland Planning Department, 1966), noted, "The fact that day care is a relatively new type of community service has occasioned some misunderstanding and apprehension out of proportion to the actual effects of facilities which are properly developed." The specific objective of the study was to survey indications of attitudes toward existing child care facilities held by neighbors and to assess the

conditions under which attitudes tend to be favorable, unfavorable, or indifferent.

The Oakland study revealed that most neighbors either favored or were indifferent to existing child care facilities. In fact, facilities serving fifteen or fewer children yielded no unfavorable responses. A recent study conducted for the Maryland-National Capital Park and Planning Commission revealed similar findings, with fifteen of the seventeen neighbors feeling very positive or very enthusiastic about having a family day care home in their neighborhood (Maryland-National Capital Park and Planning Commission, 1987).

While these studies confirmed that public attitudes are favorable to existing child care facilities, they also confirmed the need to educate the public when a child care facility is **planned**. Despite the passage of twenty years since the Oakland study was completed, an explosive growth in the demand for child care facilities, and an improved public understanding of what child care is all about, there is still significant concern about, and even resistance to, the inclusion of family day care homes in residential neighborhoods.

TRAFFIC AND PARKING

With the possible exception of noise, the most widely voiced objection to the siting of family day care homes in residential neighborhoods is a concern about increased traffic and possible problems locating parking. In 1974, when Oakland, California, reviewed the child care provisions of its zoning ordinance, it recommended that homes serving up to ten children be exempted from the requirement of a conditional use permit. Until that time, it had only exempted homes serving up to three children. The planning department study noted that children were dropped off either by car or walked to the care site, and many families were bringing more than one child to the home. The study (Oakland Planning Department, 1974) did not recommend any special traffic or parking regulations for family day care homes and concluded that:

- "the original inclusion of day care homes in zoning regulations was arbitrary;
- day care homes are not harmful to their neighborhoods;
- zoning investigations of day care homes tend to duplicate county [now state] efforts; and
- current restrictions on day care homes inhibit provision of a needed community service."

In the 1987 Maryland-National Capital Park and Planning Commission study, more than 94 percent of the neighbors indicated that traffic had increased only slightly or not at all since the "center" was established. These "centers" were defined as facilities serving up to twenty children – thereby including not

only family day care homes but significantly larger facilities as well. The Commission consultants' own observations of traffic impact showed that:

- the amount of traffic generated at each facility was minimal, and the distribution of traffic was even throughout the day;
- average vehicle occupancy including the child care participant, was 2.7 in the morning and 2.3 in the evening; only one parent was in a carpool arrangement;
- the number of cars parked at the smaller facilities ranged from two to six in the morning and one to seven in the afternoon; and
- no significant backup of cars picking up or delivering children was observed.

Thus, despite concerns about traffic, studies show the presence of family day care homes in residential areas has minimal impact on traffic.

Traffic requirements for family day care vary widely within and among communities. In many instances, the traffic conditions imposed make it difficult to establish family day care homes. In communities that require permits, a provider on a quiet street may be denied approval on the basis that family day care will not only increase traffic but will transform a quiet street to a major thoroughfare. A few blocks away, a provider may be denied approval on the grounds that the street already carries a good deal of traffic, and any additional traffic will clog the roads.

Parking requirements may also be inappropriate or excessive, given the minimal impacts created by the typical family day care home. An additional employee does not automatically increase parking needs. Some assistants are family members, neighbors, or users of public transportation, who do not need parking. Those who do need parking often park in the space of a family member who works outside the home during the hours the assistant is employed. Even if additional off-street parking is needed by a particular employee, the large number of off-street parking spaces typically required by home occupation ordinances are unwarranted. Parents can usually drop off and pick up their children safely without additional parking. Requiring supplementary off-street parking will frequently preclude a family day care home from meeting the ordinance's requirements, or alternatively, it will result in paving over the front yard to the detriment of the appearance of the neighborhood. Multi-family developments, where one instinctively thinks more parking may be necessary, may in fact already have more than sufficient parking. Indeed, such developments have often provided more parking than is typical in single family developments. The message here is to review the actual conditions in one's community rather than to base zoning restrictions on assumptions that may be incorrect.

In Auburn, California, small family day care homes require no more parking than that required of **any** single family dwelling. Large homes are required to provide one off-street parking space per employee. Under the

ordinance, a residential driveway meets this requirement if the parking space will not conflict with any required child dropoff and pickup area and does not block the public sidewalk or right of way. The Maryland study noted that existing parking requirements in residential zones required two off-street parking spaces for single family homes and one to two spaces for multi-family residences (Maryland-National Capital Park and Planning Commission, 1987):

> "Provision for additional parking is recommended. In addition to normal requirements of the zone, a large child care home [serving 7 to 12 children] should have one parking space for each full-time or equivalent non-resident staff member and two unloading spaces. On-street parking should qualify for unloading if there are three legal spaces located within fifty feet of the property which can be reached without crossing a street."

NOISE

The issue of noise is consistently raised as a rationale for prohibiting or limiting family day care homes in residential neighborhoods. Yet the 1974 Oakland study did not find noise to be a serious problem. The more recent Maryland study found that neighbors did not report any significant increase in the noise level in the neighborhood related to the establishment of the child care facilities. Certainly the noise from a family day care home is no greater than other typical noises heard in residential neighborhoods – children playing, stereos and televisions, athletic activities, home repair projects, the playing of musical instruments, or the use of lawnmowers and other power tools. Noise is clearly not an appropriate reason to severely limit the numbers of children providers can serve, or to restrict the hours of the children's outdoor play.

While some localities have sought to limit the hours when children play outside as one of the conditions of a required conditional use permit, it is the rare provider who would disturb neighbors with early morning outside play. As residents and neighbors, providers generally exercise the same consideration and are subject to the same neighborhood pressures as anyone else living in the community. Licensing requirements typically require some form of fencing, which also helps to minimize noise.

Noise ordinances and nuisance laws in most communities provide standards that can be enforced if necessary. In the case of multiunit developments (such as apartments, attached townhouses, or condominiums), such concerns are often dealt with independent of zoning restrictions through noise provisions in leases, bylaws, or covenants.

PROPERTY VALUES

One of the most common concerns voiced by neighbors is that allowing a family day care home in their neighborhood will reduce their property values. In the 1987 Maryland study, most neighbors of existing child care facilities felt

these facilities would have no impact on the resale value of their homes. To date, no studies have actually explored the effect of family day care on property values or support the view that property values decline after the introduction of a family day care home.

Many studies, however, have explored the effect of group homes on property values. (Group homes typically serve homeless, neglected, or abused children; the developmentally or physically disabled; ex-offenders; and/or substance abusers on a twenty-four-hour residential basis.) The placement of group homes is often an extremely volatile local land use issue for neighborhoods. Studies overwhelmingly indicate that the fear of declining property values as the result of the location of group homes in residential neighborhoods is without substance. The studies found that group homes have no negative effect on the property values of homes nearby (Community Residences Information Services Program, 1986). It is reasonable to conclude that if group homes, which are twenty-four hour facilities, have no effect on property values, family day cares homes, which provide care for children for less than twenty-four hours, would not negatively influence property values either.

As family day care homes become more and more in demand, it is possible that their presence in a neighborhood may increase the value of adjacent parcels. Proximity to schools has traditionally been a factor that enhances the appraisal value of residential property. Real estate agents report that prospective purchasers of homes now inquire about the proximity of child care as well as schools.

Finally, it should not be forgotten that providers are very frequently homeowners. They have the same interests in maintaining property values as their neighbors.

CONCENTRATION, SPACING, DISPERSION, AND DENSITY

Fear of an overconcentration of family day care homes in a particular neighborhood is frequently given as a reason for objecting to family day care facilities. This fear stems in part from inappropriately seeing family day care homes as analogous to group homes, where the creation of "social services districts" in low-income neighborhoods has been a genuine concern. In an effort to minimize the theoretical possibility that a particular development, street, or residential area might become "oversaturated," some zoning ordinances require minimum spacing requirements between family day care homes and other family day care homes or between family day care homes and all other child care facilities.

However, there are no data to support this concern about oversaturation. One indication of the lack of accurate data about concentration is the wide range of concentration requirements to be found in current zoning ordinances. In South Pasadena, California, no more than one large family day care home is

permitted within a 300-foot linear distance of another large family day care home. In Anaheim, California, family day care homes may not be closer than 600 feet to any family day care home or child care center, and in Long Beach, California, large family day care homes must be one-half mile from similar facilities.

In actuality, it is rare for neighborhoods to become saturated, let alone oversaturated, with child care facilities, since family day care homes thrive only where they can be supported by adequate enrollment. Since many parents prefer child care close to home, any given neighborhood will only have as many providers as there are parents in reasonable proximity to support them. Studies of child care needs in a wide variety of communities have found serious gaps between the needs of parents and available spaces. This is particularly true for infant care, which most family day care providers offer. A recent study in Salem, Oregon, found that there was one available space for every six to seven children that needed care (Marges, 1986). This gap is not unique to Salem; studies from around the country have reported similar findings. (See note 3.)

Since it appears that there is little likelihood that a particular neighborhood will become a "dumping ground" for family day care homes, the real issue appears to be the increased traffic or noise that could develop when several family day care homes are clustered together. Rather than artificially restricting the number of homes in a particular vicinity irrespective of whether more traffic or noise is generated, it would be wiser to eliminate consideration of "concentration" and focus instead on traffic or noise impacts if and when they occur. Alternatively, a concentration requirement might be imposed instead of traffic and noise requirements; in that case, however, it is critically important that concentration standards be generous to family day care.

THE DOMINO THEORY – OR "THERE GOES THE NEIGHBORHOOD"

One frequently voiced objection to allowing family day care in residential districts is that either its presence or its approval will draw other uses further removed from residential activity, such as service stations and fast food establishments. But eliminating zoning impediments to the establishment of family day care does not promote approvals of other types of activities. As discussed earlier, it is possible to distinguish family day care from home occupations and other business uses. It is important to remind neighborhood residents that major zoning changes and/or permit hearings would be required before any such uses would be permitted. Moreover, it is worth reiterating that such approvals are highly unlikely given that these establishments are neither essential community services, nor are they required by definition or intent to be in residential zones as is family day care.

DEALING WITH LEGITIMATE PROBLEMS CAUSED BY A FAMILY DAY CARE HOME

Most legitimate concerns related to the operation of a family day care home can be dealt with just as they would be were it any home. These include such remedies as nuisance law, noise abatement provisions, and signage ordinances. In the few instances in which the concerns are strictly related to the conditions under which the children are cared for, recourse is generally available through the state's child care regulatory scheme and is therefore outside the legitimate zoning interest. In instances involving issues of **private** concern such as liability and insurance, zoning should not be used as the remedy.

Planners and elected officials have a professional responsibility to identify genuine concerns and educate the community about the pre-existing legitimate means to address these concerns, which do not arbitrarily discriminate against family day care homes. A brief description of those avenues of redress follows.

NUISANCE LAWS

If activities are conducted unreasonably or injuriously, there is a pre-existing remedy in the form of nuisance laws, which apply equally to all neighborhood residents whether or not the culprit is a family day care home.

Nuisances may be public or private. If the nuisance is public, it will be described by a statute or ordinance, and it must be abated by the action of a public body or public officer. Your city or county attorney can give you more specific information on nuisance law enforcement in your community. Private nuisance actions may be brought by the private persons affected, and any actions taken will either be based on a statute or ordinance or on tort theories developed under the common law (the law as developed by judges deciding particular lawsuits). If the activity is being conducted in an unreasonable and injurious manner, private persons can avail themselves of the protections of nuisance laws (either damages or injunctions to stop certain activities from continuing) even when the activity is permitted in the zone.

NOISE ABATEMENT

Many communities have specific noise abatement laws that spell out allowable noise levels in residential areas. If, for any reason, the noise level of a particular family day care home ever exceeded the noise level allowed in the ordinance, the noise abatement law provides a means of recourse for the affected neighbors. In most communities, existing nuisance laws, described

above, are available if there is no noise abatement statute. No noise abatement law should be so restrictive as to keep a group of children from playing outside. Most family day care providers are considerate of their neighbors. They don't allow the children they care for to play outside when they first arrive in the early morning hours, and they are as sensitive to neighbors who work or sleep different shifts as they would be if the children were their own.

SIGNAGE

Family day care providers most often obtain referrals through word of mouth, umbrella agencies, or resource and referral agencies. Most family day care homes do not put up signs advertising their services on their property. In fact, most small providers are more deeply concerned about their privacy and security than they are about advertising directly on their premises. In those rare instances when a provider puts up a sign, the sign should be subject to whatever sign restrictions are applicable to other residences. If the sign ordinance fails to cover the situation of a family day care home, the sign could be prohibited either by amending the sign ordinance, or in some cases through the application of nuisance laws.

Communities may include restrictions on outdoor advertising and signs directly in their zoning ordinances, or they may have separate ordinances on this subject. Ordinances prohibiting commercial advertising signs in residential areas have been upheld in the courts.

LICENSING LAWS

One reason planners and elected officials give for establishing extensive zoning ordinances for child care is a rightful concern for the well-being of children. Likewise, neighbors may be concerned that a neighboring family day care home is exercising inadequate supervision or is caring for too many children. Zoning, however, is not the vehicle best suited to deal with these problems, nor are these problems actually within the purview of local zoning officials. There is instead a state regulatory framework for child care programs, the primary purpose of which is to establish and maintain minimum health and safety standards. These standards are intended to be enforced uniformly across an entire state, in recognition of the importance of consistency. These statewide standards ensure that all children, regardless of the communities in which they live, have the same basic protections. Licensing standards regulate the physical environment, the qualifications of the caregiver, and operational requirements. Therefore, when concerns are raised about the quality of care being offered, including issues of supervision, numbers of children cared for, and physical environments, licensing officials are the appropriate officials to be contacted.

If concerns arise about any particular facility, planners should contact the licensing agency and refer residents with concerns there as well. If licensing requirements are found to be insufficient or inadequate, which they are in some

states, planners could seek to add their voices to those advocating improved and strengthened state licensing laws, or they could work to develop appropriate local regulations (where this avenue is permissible), which some municipalities have done. They should not, however, try to remedy the situation by expanding the scope of their zoning provisions, since this typically adds problems rather than solving them.

DEED RESTRICTIONS:

While this *Local Officials Guide* examines the impact of zoning ordinances on family day care and suggests ways that these ordinances can promote rather than impede the development of family day care supply, planners and elected officials should also be aware that private deed restrictions (sometimes known as restrictive covenants or conditions, covenants and restrictions – or CC&Rs) may be an equal if not greater source of difficulty in impeding increased local supply. "Residential use only" or "no business use" restrictions may appear in deeds of purchase, homeowners' association agreements, or condominium bylaws.

The numbers of people purchasing or renting property subject to deed restrictions or restrictive covenants is growing at an astounding rate. In addition to the more traditional "homeowners' associations" found in detached single family dwelling tracts, there are now owners' associations of condominiums and town house complexes. As a recent article noted, "[Condominium] associations are increasing at an estimated rate of 4,000 a year as more Americans find themselves moving into condominiums, cooperatives and townhouses, developments that have come to dominate the market for new housing in many parts of the country."[4]

For a thorough examination of the issues involved, see *Deed Restrictions As An Impediment to Family Day Care: The Problem and Potential Solutions* available from the Child Care Law Center, 22 Second Street, Fifth Floor, San Francisco, CA 94105.

Unfortunately, local governments have no ability to eliminate existing restrictive covenants (while courts and states do have such authority). However, local officials generally can legislate the future types of restrictions they determine are acceptable and unacceptable as they review and approve new developments within their community. Local governments would be wise to begin reviewing restrictive covenants filed now for future developments, mindful of how some of these restrictions may hinder or eliminate the potential availability of family day care.

CHAPTER FIVE

DEVELOPING ZONING SOLUTIONS

Few can doubt any longer that child care is a planning issue, and a planning issue of critical local importance. All across the nation, planners and elected officials are being presented with an opportunity to meet the needs of working families in their communities by developing zoning ordinances that encourage rather than hinder the establishment of family day care homes. Planners and the public at large are beginning to recognize that by responding to the child care needs of working families, they are responding to the needs of all residents in the community for continued economic development and for the assurance that the community's children are adequately supervised and cared for. Armed with more information about the nature of family day care, the overwhelming demand for this type of care, and the beginnings of what we hope will become a solid and growing body of planning studies detailing family day care's locational needs and impacts, planners and elected officials can develop sound and rational zoning ordinances. Rather than simply responding to public apprehensions based on outmoded or ill founded beliefs, these zoning ordinances can reflect a genuine balance between the need for family day care in residential environments and any potentially competing needs of neighbors.

This chapter offers recommended approaches toward rationalizing the zoning treatment of family day care at the local level. All the recommendations that follow flow from the necessary assumption that family day care homes must be able to locate in all residential zones where they properly belong.

LOCAL SOLUTIONS

Every locality should begin by reviewing its existing or proposed zoning ordinance against state licensing law.

CLEAR DEFINITIONS

Definitions for family day care should be explicitly included in local zoning ordinances and should mirror definitions found in state statute or regulation. The ordinance should either adopt the definition by reference or use the identical language. A provision should be added to the effect that the child care facility must be licensed by the state and conducted in accordance with state requirements.

Care should be taken to distinguish and give separate definitions to **family day care homes** as opposed to **child care centers**. Boston is currently in the process of amending its code to make this distinction. All types of less than twenty-four-hour care also should be carefully distinguished from residential care, such as group homes or foster care. Planners should be sure to review these definitional sections at regular intervals to ensure that they remain in conformity with state law.

CLEAR TREATMENT

Each locality also has a responsibility to affirmatively determine how family day care is to be treated by local law. No matter how the homes are ultimately treated, easily understandable written information about requirements and process ought to be readily available to prospective family day care providers. In this way, providers have some predictability and know what to expect, while the planning department has some assurance that the information given out is consistent. An example of a simple information sheet from Albuquerque, New Mexico can be found in Appendix D. The Seattle, Washington, Department of Construction and Land Use also distributes an excellent public information memo outlining requirements for all types of child care facilities, including family day care homes. Having this type of information available in written form will also save a locality money, by eliminating the need for zoning/planning staff to respond to routine questions.

THE SMALL FAMILY DAY CARE HOME: PERMITTED BY RIGHT

Once the smaller home is defined in conformity with state law, the local ordinance should state that small family day care homes are residential uses, permitted in **all** residential zones, and that they are permitted by right, with

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neither notice or hearings required nor conditions imposed. Among the communities that currently permit small homes by right in all residential zones are: Baltimore, Maryland; Philadelphia, Pennsylvania; Boise, Idaho; and East Lansing, Michigan. In some instances, as in Ypsilanti, Michigan, the small family day care home is permitted as of right by designating the family day care program as an accessory use. As mentioned earlier, thirteen states permit small family day care homes by right in all communities as a result of state zoning preemption laws.

THE LARGE OR GROUP FAMILY DAY CARE HOME

If your state maintains a separate category for the care of a larger number of children, your city or town may treat them in a variety of ways. Regardless of size, however, these homes should be permitted, not prohibited, even if they are subject to conditions. In large measure, the option chosen should be based on the maximum numbers of children in care.

Some communities have taken a different approach, allowing small homes by right and also allowing homes serving several more children by right, but the number allowed by right is always less than the allowable state licensing capacity for the larger type home. While this may seem advantageous at first, easing zoning difficulties for some larger homes that are below their licensing capacity, planners and elected officials should not underestimate certain disadvantages of this approach. Disadvantages include problems of enforcement, confusion of the providers and the public, and legitimate concerns of, for example, the large provider serving eight children who is required to go through a costly permit process while the provider caring for seven is not. While zoning ordinances always draw lines, it is more rational to draw the line where the state does, since significant differences in the programs will most frequently justify different treatment. If a provider is required to hire an assistant for more than six children, the provider would likely need to operate at capacity to afford one. Such considerations might be taken into account if a locality is considering treating a subset of the state-defined large homes rather than treating all large homes as defined similarly.

In those states in which the maximum number of children is approximately twelve, localities might consider the following options:

Permitted As of Right

Like the smaller home, the large family day care home can be permitted by right in all residential zones with no conditions imposed. A number of communities, including San Francisco and Sacramento, California, have instituted this option with success.

Montgomery County, Maryland, uses a variation of the permitted by right option. The county's Planning Board concluded (Maryland-National Capital Park and Planning Commission, 1987):

"Based on the findings of the study concerning small centers in residential areas, the Planning Board and staff believe that, as with a child day care home [1-6], this level of child care [7-12] should not create any zoning or land use problems in one-family residential neighborhoods. Staff expressed one concern, however, with centers [large homes] for 7 to 12 children. Staff believes that there could be a traffic safety problem if small centers [7 to 12 children] are allowed to locate along major streets with a right-of-way 80 feet or greater in width with no review for safe ingress/egress. The Planning Board believes that this issue can be resolved by allowing small centers [7 to 12 children] as a permitted use if access is to a street with a right-of-way less than 80 feet. The use should continue as a special exception use if access would be to a street with a right-of-way of 80 feet or more. Staff of the Department of Environmental Protection can administer this requirement through the use and occupancy permit procedure."

Non-Discretionary Permit

Some communities, having become aware of the difficulties resulting from the imposition of a full blown conditional use permit process, are now using a non-discretionary permit process. In the typical situation, providers are required to comply with specified and limited conditions described in the ordinance. After review by the zoning administrator, the permit is issued if all conditions are met. This takes place without a public hearing. Municipalities are permitted to regulate only the areas specified in the ordinance, which should be limited to traffic, parking, and noise. In developing a non-discretionary permit type of ordinance, planners should be sure to review state licensing law to ensure that no inconsistent requirements are imposed and to become aware of those areas that are already regulated.

Ann Arbor, Michigan, which permits small homes by right as an accessory use in any dwelling in single-family dwelling districts, also allows group day care homes (those serving seven to twelve children) licensed by the State of Michigan if the following standards are met:

1. A zoning compliance permit is obtained from the building department.
2. The home is located on a lot with at least 5,000 square feet of gross lot area.
3. At least one off-street parking space for each caregiver not living in the dwelling is provided.
4. Two off-street or on-street parking spaces are shown to be available within 250 feet of the group day care home parcel for dropping off and picking up children. (Ann Arbor, Michigan, Planning Department, Section 5:10.2 (b) of its Zoning Ordinance)

Note that the gross lot area mentioned in number 2 will be excessive in many communities, and that square footage required to provide care is more appropriately a licensing function.

California allows its cities three options in dealing with large family day care homes: permitted by right, required to obtain a non-discretionary permit, or required to obtain a conditional use permit. Many cities are choosing the non-discretionary permit process over the conditional use permit process, as planners in San Diego noted in their report (San Diego City Planning Department, 1987; author's emphasis):

> "1. The State of California's existing regulations for such use are very extensive and set strict conditions . . which require compliance in order to operate a Large Family Day Care Center [Home].
>
> 2. The State of California, the County of San Diego, and the vast majority of the day care providers are in full support of the Administrative Permit [Non-discretionary permit] proposal. This support allows the City to work with these agencies and providers, including the existing nonconforming providers who are required to apply for a permit, in a positive and constructive atmosphere.
>
> 3. The Conditional Use Permit Alternative [on the other hand] will **substantially raise the number of discretionary permits required to go through the public hearing process, thus, increasing required staff time and most likely require an increase in staffing.**"

The City of Auburn, California, provides an example of a well-drafted, nondiscretionary permit ordinance for large family day care (see Appendix Five).

DESIRABLE PROVISIONS FOR NON-DISCRETIONARY OR DISCRETIONARY PERMITS

In addition to the more standard provisions relating to traffic, parking, and noise, the following provisions should be considered in any family day care zoning ordinance where the homes are not permitted by right.

Grandfathering Clause

For both the nondiscretionary permit (NDP) and conditional use permit (CUP), ordinances should allow existing family day care homes to be "grandfathered" in; they should not be required to comply with the new process. At the very least, homes already licensed should be given a grace period before they are required to come into compliance.

> "All large family day care homes licensed by the state at time of ordinance adoption may, for six months apply and receive a use permit.

No fee or conditions of approval shall be imposed to pre-existing facilities during this period." (Petaluma, California)

Sliding fee schedule

For both the NDP and the CUP, establish a lower fee for the large family day care home than for child care centers; fees should be lower for the NDP than for a CUP. Fees should reflect reasonable charges for processing the application.

Concentration

As Antioch, California planners noted in their memorandum to the planning commission: " . . . given the small size of the centers [homes] (12 children) and given that they are located in someone's home (they wouldn't be a commercial chain operation such as Kindercare), it is likely that they will spring up in a dispersed fashion to serve immediate neighborhoods." (Antioch Department of Development Services Staff, 1986) As a result, planning staff proposed the following "concentration" language:

> "No Administrative Use Permit shall be issued if there is another approved large family day care home operating adjacent to the proposed site, or if the granting of the permit will result in a residence being bounded on more than one side by a large family day care facility." (Antioch, California)

For both the NDP and the CUP, differing concentration standards might be considered for single versus multi-family dwellings if these standards can be justified by actual impacts.

If concentration requirements are imposed, waivers ought to be available for both the NDP and the CUP. Here are some examples:

- "Exceptions which decrease or eliminate this distance requirement may be approved by the Zoning Administrator." (Walnut Creek, California)
- "The City Planner, however, may allow more than one large family day care home within 300 feet provided that:

  (i) the existing facility is at capacity; or

  (ii) the applicant demonstrates that a need exists for a unique or particular service not provided by the existing large family day care home." (South Pasadena, California)

Notice

Notice given to neighbors of an application for a conditional use permit should make it clear that permission is being sought for the operation of a **large**

family day care home, **not a child care center**. The notice should also indicate that the home is licensed (and therefore regulated) to provide this care by the state. Mention also should be made of the maximum capacity allowable.

Permits Duration

The permit (nondiscretionary or conditional use) should not require renewal. Instead, providers should meet the requirements once and the permit should remain in effect as long as they remain in compliance.

Presumptions

All presumptions incorporated into a zoning ordinance should favor the establishment of family day care homes. The burden should rest on objectors to show detrimental impacts, leading to specific findings, before approvals are denied.

Whichever process is chosen, planners should make every effort to ensure that it is simple, workable, consistently applied, and of reasonable cost (if there is a charge involved). This may entail cooperation and coordination between the planning department and other relevant local departments, such as the building department or fire department, and an awareness of state licensing regulation and enforcement.

Note on Preemption

When developing local solutions, it is important to determine whether local authority to apply zoning restrictions to family day care has been limited by state legislation. As this *Guide* went to press, California, Connecticut, Florida, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Oregon, Vermont and Wisconsin had some form of zoning preemption statute. Each of these statutes differs in the scope of family day care homes covered and in the scope of local laws preempted. Generally speaking, these preemption statutes accomplish three major objectives: (1) clarify state policy regarding the location of family day care; (2) ensure that family day care is not prohibited in residential zones (including single-family zones); and (3) set parameters for what localities can and cannot do with respect to these homes.

APPENDIX ONE

APA CHILD CARE POLICY

Policy Implementation Principles on the Provisions of Child Care American Planning Association

Findings

Affordable, conveniently located and quality child care is one of the most pressing concerns of contemporary family life. According to 1985 Census figures, women workers make up 44 percent of the U.S. labor force. In 1985, 62.3 percent – nearly two thirds – of all women with children under 18 years of age worked outside of the home. The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1985, 51 percent of these mothers were in the workforce. Additionally, most of these mothers worked full time (about 82 percent of employed single mothers and 68 percent of employed married mothers).

In 1986, over half of all children under 17 (34 million) had mothers in the workforce. An estimated 7 million of these children are "latchkey", or left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of Federal support. In addition, planners can aim at state and local level policies and actions which would enhance the provision of quality child care.

In 1982, the most common type of arrangement chosen by working parents was family day care homes. Family day care is provided by an adult working in his or her home and typically caring for four to seven children.[3] Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space.

POLICY IMPLEMENTATION PRINCIPLES

APA **CHAPTERS** ADVOCATE THE INCLUSION OF CHILD CARE POLICIES AS PART OF LOCAL COMPREHENSIVE PLANS AND/OR SOCIAL SERVICE PLANS.

APA **CHAPTERS** ENCOURAGE COMMUNITIES TO CONSIDER AMENDING LOCAL ZONING ORDINANCES TO REMOVE OBSTACLES TO THE PROVISION OF REGULATED GROUP AND FAMILY CHILD CARE IN ALL ZONING DISTRICTS.

APA **CHAPTERS** ENCOURAGE COMMUNITIES TO NEGOTIATE WITH DEVELOPERS AND TO OFFER INCENTIVES TO PROVIDE SPACE FOR CHILD CARE IN ALL TYPES OF PROJECTS, BOTH RESIDENTIAL AND COMMERCIAL, NEW CONSTRUCTION AND REUSE.

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A recent survey of parents seeking child care in five New York state counties showed the number one problem to be finding a center which was conveniently located. Many communities are already actively engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive an FAR bonus in exchange for providing space for day care. Prince George's County, Maryland, has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California, includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home.

APA **NATIONAL** AND **CHAPTERS** SUPPORT LEGISLATION PROVIDING FOR CHILD CARE NEEDS ASSESSMENT AND PLANNING TO BE FUNDED AT THE FEDERAL, STATE AND LOCAL LEVELS AND TO BE PERFORMED AT THE STATE AND LOCAL LEVELS.

APA NATIONAL SUPPORTS LEGISLATION, SUCH AS THAT PROPOSED BY CONGRESSWOMAN SCHROEDER OF COLORADO, WHICH WOULD REQUIRE THE GRANTING OF REASONABLE MATERNITY AND PATERNITY LEAVE TO ANY PARENT WHO REQUESTS IT AND GUARANTEE THAT THEIR JOB WILL BE PROTECTED DURING THAT PERIOD.

APA NATIONAL SUPPORTS LEGISLATION WHICH WOULD PROVIDE HEALTH CARE BENEFITS INCLUDING COVERAGE FOR PREGNANCY AND POST-NATAL CARE FOR ALL WOMEN.

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, maternity leave (or fathers to paternity leave), health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80 percent, according to the National Commission of Working Women) work in low paying, low status jobs. Nearly two thirds (63.6 percent) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults.

APA NATIONAL AND **CHAPTERS** SUPPORT ANY NATIONAL AND STATE LEGISLATION WHICH MOVES TOWARD THE GOAL OF PROVIDING FUNDING FOR SAFE, CONVENIENT AND AFFORDABLE CHILD CARE OPPORTUNITIES FOR ALL CHILDREN.

Note: The implementation of actions at the state level is at the initiation of the chapter.

APPENDIX TWO

CHILD CARE RESOURCE AND REFERRAL AGENCIES

ALABAMA

Childcare Resources
309 23rd Street North
Birmingham, AL 35203
(205) 252-1991

Family Guidance Center
925 Forest Avenue
Montgomery, AL 36106-1098
(205) 262-6669

Jefferson County Child Development
Council-Child Care Connections
1608 13th Avenue So., Suite 221
Birmingham, AL 35205
(205) 933-1095

ALASKA

Child Care Connection
825 L Street
Anchorage, AK 99510
(907) 279-5024

Department of Community & Regional Affairs
949 E. 36th, Suite 400
Anchorage, AK 99508
(907) 563-1955

ARIZONA

Association for Supportive Child Care
2218 So. Priest, Suite 119
Tempe, AZ 85282
(602) 829-0500

Parent Child Care Resource Network
Tucson Association for Child Care, Inc.
1030 N. Alvernon Way
Tucson, AZ 85711
(602) 881-8940

ARKANSAS

Unable to identify any R & Rs

CALIFORNIA

ALAMEDA COUNTY

Community Child Care
Coordinating Council of
Alameda County
22430 Foothill Blvd.
Hayward, CA 94541
(415) 582-2182

Bananas
6501 Telegraph Avenue
Oakland, CA 94609
(415) 658-7101

Resources for Family Development
1520 Catalina Court
Livermore, CA 94550
(415) 455-5111

ALPINE COUNTY

Choices for Children
Woodfords House
P.O. Box 47
Markleeville, CA 96120
(916) 694-2129

AMADOR COUNTY

Mountain Family Services Agency
1001 Broadway, Suite 103
Jackson, CA 95642
(209) 754-1028

BUTTE COUNTY

Valley Oak Children's Services, Inc.
1024 The Esplanade
Chico, CA 95926
(916) 895-1845

CALAVERAS COUNTY

Mountain Family Services Agency
P.O. Box 919
San Andreas, CA 95249
(209) 754-1028

COLUSA COUNTY

Child Care Resource and Referral
Colusa County Supt. of Schools
741 Main Street
Colusa, CA 95932
(916) 458-7711

CONTRA COSTA COUNTY

Contra Costa Children's Council
3020 Grant Street
Concord, CA 94520
(415) 676-5442

DEL NORTE COUNTY

Del Norte Child Care Council
P.O. Box 1350
Crescent City, CA 95531
(707) 464-8311

EL DORADO COUNTY

Choices for Children
3441 Spruce
P.O. Box 413
South Lake Tahoe, CA 95705
(916) 541-5848

FRESNO COUNTY

Central Valley Children's Services Network
841 N. Fulton Avenue
Fresno, CA 93728
(209) 264-0200

GLENN COUNTY

Valley Oak Children's Services
629 First Street
Orland, CA 95965
(916) 625-5625

HUMBOLDT COUNTY

Child Care Council
805 Seventh Street
Eureka, CA 95501
(707) 444-8293

IMPERIAL COUNTY

Imperial County Office of Education
Child Development Services
1398 Sperber Road
El Centro, CA 92243
(619) 339-6431

INYO COUNTY

Community Connection for Child Care
407 West Line #6
Bishop, CA 93514
(619) 873-5123

KERN COUNTY

Community Connection for Child Care
420 18th Street
Bakersfield, CA 93301
(805) 322-7633

KINGS COUNTY

King's County Community Action Organization
Resource and Referral
122 West Lacey Boulevard
Hanford, CA 93230
(209) 582-4386

LAKE COUNTY

Rural Communities Child Care
2559 Lakeshore Boulevard
Lakeport, CA 95453
(707) 263-4688

LASSEN COUNTY

Lassen Child Care Resource and Referral
1850 Main Street
Susanville, CA 96130
(916) 257-9781

LOS ANGELES COUNTY

Equipoise Endeavor
Children's Services
216 East Bennett
Compton, CA 90220
(213) 537-9016

Children's Home Society of California
920 Atlantic Avenue, Suite D
Long Beach, CA 90813
(213) 436-3201

Mexican American Opportunity Foundation
664 Monterey Pass Road
Monterey Park, CA 91754
(818) 289-0286

Pomona Unified School District
Pomona Child Care Information Serv.
153 E. Pasadena Street
Pomona, CA 91767
(714) 629-5011

Crystal Stairs, Inc.
101 N. La Brea Avenue
Suite #100
Inglewood, CA 90301
(213) 673-3355

Child, Youth and Family Services
1741 Silverlake Boulevard
Los Angeles, CA 90026
(213) 664-2937

Child Care Information Service
330 S. Oak Knoll Avenue, Room 26
Pasadena, CA 91101
(818) 796-4346

Options – A Child Care & Human Services Agency
1046 S. San Gabriel Boulevard
San Gabriel, CA 91776
(818) 309-9117

Connections for Children
1539 Euclid Street
Santa Monica, CA 90404
(213) 393-5422

Child Care Resource Center of the San Fernando Valley
14410 Sylvan Street, Suite 116
Van Nuys, CA 91401
(818) 781-7099

MADERA COUNTY

Madera County Resource and
Referral Child Care Program
110 North D Street, Suite 102
Madera, CA 93638
(209) 673-2284

MARIN COUNTY

Project Care for Children
828 Mission Avenue
San Rafael, CA 94901
(415) 454-7959

MARIPOSA COUNTY

Mariposa Child Care Resource & Referral
5131 Highway 140 #4
P.O. Box 1898
Mariposa, CA 95338
(209) 966-4474

MENDOCINO COUNTY

Rural Communities Child Care
413A North State Street
Ukiah, CA 95482
(707) 462-1954

MERCED COUNTY

Children's Services Network of Merced County
616 W. Main Street
Merced, CA 95430
(209) 722-3804

MODOC COUNTY

Modoc Child Care Resource & Referral
839 N. Main Street
P.O. Box 1011
Alturas, CA 96107
(916) 233-5437

MONO COUNTY

Community Connection for Child Care
P.O. Box 8571
Mammoth Lakes, CA 93546
(619) 934-3343

MONTEREY COUNTY

Mexican American Opportunity Foundation
1021 Montana
Salinas, CA 93905
(408) 757-0775

NAPA COUNTY

Rainbow Child Care Council
1801 Oak Street
Napa, CA 94558
(707) 253-0366

NEVADA COUNTY

Community Services Council
P.O. Box 718
Grass Valley, CA 95945
(916) 272-5970

ORANGE COUNTY

Children's Home Society of California
1823 East 17th Street, Suite 123
Santa Ana, CA 92701
(714) 835-8252

PLACER COUNTY

Motherlode Childcare Assistance Network
1098 Melody Lane #102
Roseville, CA 95678
(916) 624-5436

PLUMAS CONTY

Plumas Rural Services, Inc.
P.O. Box 1079
Quincy, CA 95971
(916) 283-4453

RIVERSIDE COUNTY

Coordinated Child Care R & R
Riverside County Schools
P.O. Box 868
Riverside, CA 92502
(714) 788-6610

SACRAMENTO COUNTY

Child Action, Inc.
2103 Stockton Boulevard #B
Sacramento, CA 95817
(916) 453-1110

SAN BENITO COUNTY

Growth & Opportunity, Inc.
Resource and Referral
16430 Monterey Road
Morgan Hill, CA 95037
(408) 637-9205

SAN BERNARDINO COUNTY

San Bernardino County Superintendent of Schools
Child Development Services
601 North E. Street
San Bernardino, CA 92410
(714) 387-3114

SAN DIEGO COUNTY

YMCA Childcare Resource Service
1033 Cudahy Place
San Diego, CA 92110
(619) 275-4800

SAN FRANCISCO COUNTY

Children's Council/Childcare Switchboard
1435 Market Street
San Francisco, CA 94103
(415) 647-0778

Wu Yee Resource & Referral Center
777 Stockton Street, Suite 202
San Francisco, CA 94108
(415) 391-8993

SAN JOAQUIN COUNTY

Family Resource & Referral Center
1149 N. El Dorado Street, Suite C
Stockton, CA 95202
(800) 526-1555

SAN LUIS OBISPO COUNTY

EOC Child Care Resource Center
880 Industrial Way
San Luis Obispo, CA 93401
(805) 544-4355

SAN MATEO COUNTY

Child Care Coordinating Council of
San Mateo County, Inc.
1838 El Camino Real, Suite 214
Burlingame, CA 94010
(415) 692-6647

SANTA BARBARA COUNTY

Children's Resource Center
1124 Castillo Street
Santa Barbara, CA 93102
(805) 963-6632

SANTA CLARA COUNTY

Growth & Opportunity, Inc.
Resource & Referral
16430 Monterey Road
Morgan Hill, CA 95037
(408) 779-9343

Palo Alto Community Child Care
3990 Ventura Court
Palo Alto, CA 94306
(415) 493-2361

Community Coordinated Child Development
Council of Santa Clara County, Inc.
160 E. Virginia Street
San Jose, CA 95112
(408) 947-0900

SANTA CRUZ COUNTY

Child Development Resource Center
809 H Bay Avenue
Capitola, CA 95010
(408) 476-7140 Ex. 282

SIERRA COUNTY

Community Services Council
P.O. Box 805
Loyalton, CA 96118
(916) 993-4878

SOLANO COUNTY

Solano Family & Children's Council
746 N. Texas Street, Suite G
Fairfield, CA 94533
(707) 642-5148 or (707) 422-2881

STANISLAUS COUNTY

Child Care Resource & Referral
Stanislaus County Department of Education
801 County Center III Court
Modesto, CA 95355
(209) 571-5049

TEHAMA COUNTY

Tehama County Child Care
Referral & Education
1156 N. Jackson Street
Red Bluff, CA 96080
(916) 529-3131

Child Care Resource Center
Administration Building
859 Escondido Road
Stanford, CA 94305
(415) 723-2660

SHASTA COUNTY

Shasta County Office of Education
Child Care Referral & Education
1644 Magnolia Avenue
Redding, CA 96001
(916) 244-4600 Ext. 213

SISKIYOU COUNTY

Siskiyou Child Care Council
P.O. Box 500
Weed, CA 96094
(916) 938-2748

SONOMA COUNTY

River Child Care
16315 First Street
Guerneville, CA 95446
(707) 887-1809

Community Child Care
Council of Sonoma County
1212 College Avenue
Santa Rosa, CA 95404
(707) 544-3170

SUTTER COUNTY

Children's Home Society of California
670 Joy Way #C
Yuba City, CA 95991
(800) 552-0400

TRINITY COUNTY

Child Care Project
P.O. Box 1746
Weaverville, CA 96093
(916) 623-2542 or (916) 628-4565

TULARE COUNTY

Resource & Referral Services
Tulare County Child Care Educational Program
7000 Doe Street
Visalia, CA 93291
(209) 651-3026

TUOLUMNE COUNTY

Infant/Child Enrichment Services
14326 Tuolumne Road
Sonora, CA 95370
(209) 533-0377

VENTURA COUNTY

Child Development Resources
Resouce and Referral Center
P.O. Box 6009
Oxnard, CA 93031
(805) 487-4931 (805) 659-1413

Child Action, Inc.
500 First Street
Woodland, CA 95695
(916) 666-5082

YOLO COUNTY

City of Davis – Child Care Services
23 Russell Boulevard
Davis, CA 95616
(916) 756-3747

YUBA COUNTY

Children's Home Society of California
760 Joy Way #C
Yuba City, CA 95991
(800) 552-0400

COLORADO

Boulder Child Care Support Center
P.O. Box 791
Boulder, CO 80306
(303) 441-3564

Mile High United Way
2505 18th Street
Denver, CO 80211-3907
(303) 433-8900

The Women's Center
649 Remington Street
Ft. Collins, CO 80524
(303) 484-1902

Children's Resource Network of Weld County
P.O. Box 369
LaSalle, CO 80645
(303) 284-5535

Work & Family Consortium
999 18th Street, Suite 1615
Denver, CO 80202
(303) 293-2444

YWCA OF Metropolitan Denver
1038 Bannock Street
Denver, CO 80204
(303) 825-8141

Child Care Clearinghouse
1129 Colorado Avenue
Grand Junction, CO 81501
(303) 242-4453

The Loveland Resource Center
320 E. Third Street
Loveland, CO 80537
(303) 663-2288

CONNECTICUT

Childcare Resource & Referral Service
117 Osborne Street
Danbury, CT 06810
(203) 794-1180

Info Line, North Central
900 Asylum Avenue
Hartford, CT 06105
(203) 249-6850

Child Care Info Line
7 Academy Street
Norwalk, CT 06850
(203) 853-9109

Child Care Council of Westport-Weston, Inc.
245 Post Road East
Westport, CT 06880
(203) 226-7007

Help Unlimited, Inc.
285 Main Street
Oakville, CT 06779
(203) 274-7511

Working Parent Solutions, Inc.
40 Lennox Avenue
Windsor, CT 06095
(203) 688-8442

DELWARE

Child Care Connection
213 Greenhill Avenue
Wilmington, DE 19805
(302) 428-3993

DISTRICT OF COLUMBIA

Washington Child Development Council
2121 Decatur Place NW
Washington, DC 20008
(202) 387-0002

Council of Governments
1875 Eye Street, NW Suite 200
Washington, DC 20006
(202) 223-6800

FLORIDA

Child Care Resource & Referral
551 S.E. 8th, Suite 500
Del Ray, FL 33483
(407) 265-2423

Child Care Connection of
Broward County/
Early Childhood Development Assciation
4740 N. State Road 7, Bldg C
Suite 200
Ft. Lauderdale, FL 33319
(305) 486-3900

Alachua County Coordinated Child Care, Inc.
P.O. Box 12334
Gainsville, FL 32604
(904) 373-8426

Latchkey, Inc.
1712 E. Bay Dr., Suite H
Largo, FL 34641
(813) 581-7134

Metro-Dade Division of
Child Development Services
111 N.W. First Street, Suite 2210
Miami, FL 33128-1985
(305) 375-4670

Community Coordinated Child Care for
Central Florida, Inc.
1612 E. Colonial Drive
Orlando, FL 32803
(407) 894-8393

Pinellas County License Board for
Children's Centers & Family
Day Care Homes
4140 49th Street North
St. Petersburg, FL 33709
(813) 521-1850 or (813) 521-1853

GEORGIA

Save the Children/Child Care Solutions
1340 Spring Street, N.W. Suite 200
Atlanta, GA 30309
(404) 885-1578

Save the Children Information & Referral
4 Harris Street
Carrollton, GA 30117
(404) 834-7879

HAWAII

Child Care Information & Referral Service
Hawaii YWCA
145 Ululani Street
Hilo, HI 96720
(808) 935-7141

PATCH (People Attentive to Children)
419 Waiakamilo Road, #203A
Honolulu, HI 96817
Bus. (808) 842-3097

IDAHO

Child Care Connections
P.O. Box 6756
Boise, ID 83707
(208) 343-KIDS

S.E. Idaho Community Action Agency
P.O. Box 940
Pocatello, ID 83204
(208) 232-1114

ILLINOIS

Day Care Action Council of Illinois
4753 N. Broadway, Suite 726
Chicago, IL 60640
(312) 561-7900

DeKalb County Coordinated Child Care
145 Fisk Avenue
Dekalb, IL 60155
(815) 758-8149

YMCA-DuPage Childcare Resources
1880 Glen Ellyn Road
Glendale Heights, IL 60139
(312) 858-4863

Association for Child Development
P.O. Box 1370
La Grange Park, IL 60525
(312) 354-0450

BASICS
P.O. Box 604
Park Forest, IL 60466-0604
(312) 754-0983 (312) 748-2378

Child Care Information & Referral Services
YWCA of Lake County
445 North Genesee Street
Waukegan, IL 60085
(312) 662-4248

JAC/FIRST/ (Jane Addams Hull House)
3212 N. Broadway
Chicago, IL 60657
(312) 549-1631

Evanston Committee for Community-Coordinated Child Care
518 Davis Street
Evanston, IL 60201
(312) 475-2661

Illinois Child Care Bureau
512 Burlington #104
La Grange, IL 60525
(312) 579-9880

Day Care Resources Information & Referral Services
320 E. Jackson
Morton, IL 61550
(309) 263-8287

Child Care Resource Service
University of Illinois
1105 W. Nevada
Urbana, IL 61801
(217) 333-3869

INDIANA

YWCA
2000 Wells Street
Fort Wayne, IN 46808
(219) 424-4908

YWCA
4460 Guion Road
Indianapolis, IN 46254
(317) 299-2750

Tippecanoe County Child Care, Inc.
P.O. Box 749
Lafayette, IN 47902
(317) 742-4033

4C for the Wabash Valley
619 Washington Avenue
Terre Haute, IN 47802
(812) 232-3952

IOWA

Polk County Child Care Resource Center
1200 University, Suite F
Des Moines, IA 50314
(515) 286-2004

Marshall County Child Care Services
P.O. Box 833
Marshalltown, IA 50158
(515) 753-9332

Child Care Coordination & Referral Services
Exceptional Persons, Inc.
2530 University Avenue
Waterloo, IA 50701
(319) 232-6671

KANSAS

Reno County Child Care Association
103 S. Walnut
Hutchinson, KA 67501
(316) 669-0291

Family & Children's Service, Inc.
5424 State Avenue
Kansas City, KS 66102
(913) 287-1300

Johnson County Child Care Association
5311 Johnson Drive
Mission, KA 66205
(913) 262-2273

The Day Care Connection
8931 W. 75th Street
Overland Park, KS 66204
(913) 648-0424

Every Woman's Resource Center
Pozez Education Center, 2nd Floor
1505 S. West 8th Street
Topeka, KS 66606
(913) 357-5171

Child Care Association of Wichita/Sedgwick County
1069 Parklane Office Park
Wichita, KS 67218
(316) 682-1853

KENTUCKY

Child Care Council of Kentucky
880 Sparta Court, Suite 104
Lexington, KY 40504
(606) 254-9176

Community Coordinated Child Care
1355 S. Third Street
Louisville, KY 40214
(502) 636-1358

LOUISIANA

Kinderhaus, Inc.
5201 W. Napoleon Avenue
Metairie, LA 70001
(504) 454-2424

St. Mark's Community Center
1130 N. Rampart Street
New Orleans, LA 70116
(504) 529-1681

MAINE

Penquis Child Care Services
161 Davis Road
Bangor, ME 04401
(207) 947-4100

Diocesan Human Relations Services, Inc.
87 High Street
Portland, ME 04101
(207) 871-7449

Finders/Seekers
P.O. Box 278
South Paris, ME 04281
(800) 543-7008

MARYLAND

LOCATE Childcare
Maryland Committee for Children
608 Water Street
Baltimore, MD 21202
(301) 752-7588

Child Care Connection, Inc.
332 W. Edmonston Drive
Rockville, MD 20852
(301) 279-1276

Babysitting Referrals/Choice Nanny
P.O. Box 991
Columbia, MD 21044
(301) 465-9659

MASSACHUSETTS

Child Care Resource Center
552 Massachusetts Avenue
Cambridge, MA 02139
(617) 547-1063

Child Care Circuit
190 Hampshire Street
Lawrence, MA 01840
(617) 686-4288 (617) 592-8440

PACE, Inc. Child Care Resource Exchange
4 Park Place/P.O. Box D 626
New Bedford, MA 02740
(508) 999-9930

Community Care For Kids
1509 Hancock Street
Quincy, MA 02164
(617) 479-8181

PHPCC/CCR & RC
200 Fifth Avenue
Waltham, MA 02154
(617) 890-8781

Pre-School Enrichment Team, Inc.
276 High Street
Holyoke, MA 01040
(413) 536-3900

Child Care Search
11 Kearney Square
Lowell, MA 01852
(617) 452-6445

Resources For Child Care
311 North Street
Pittsfield, MA 01201
(413) 499-7983

Child Care Resource Connection
17 Tremont Street
Taunton, MA 02780
(508) 823-9118

Child Care Connection
United Way of Central Massachusetts
484 Main Street, #300
Worcester, MA 01608
(617) 757-5631

MICHIGAN

Gratiot County Child Advocacy 4C
503 North State Street
Alma, MI 48801
(517) 463-1422

4-C of Detroit/Wayne County
5031 Grandy
Detroit, MI 48211
(313) 579-2777

Community Coordinated Child Care
of the Upper Peninsula
P.O. Box 388
Gladstone, MI 49837
(906) 428-1919

Child Care Coordinating &
Referral Service/Washtenaw 4-C
408 N. First Street
Ann Arbor, MI 48103
(313) 662-1135

Flint Genesee County 4-C Association
202 E. Boulevard Drive, Suite 220
Flint, MI 48503
(313) 232-0145

Kent County Coordinated Child Care
1432 Wealthy Street, SE
Grand Rapids, MI 49506
(616) 451-8281

Ottawa County 4-C/SCAN
533 Michigan Avenue
Holland, MI 49423
(616) 396-8151

Child Care Resource & Referral of Kalamazoo
Nazareth College
3333 Gull Road
Kalamazoo, MI 49001
(616) 349-3296

Office For Young Children/Ingham County 4-C
P.O. 30161
Lansing, MI 48909
(517) 887-6996

Community Coordinated Child Care (4-C)-Oakland
P.O. Box 98
Pontiac, MI 48056
(313) 858-5140

Child Care Council
Northwestern Michigan College
P.E. 102
Traverse City, MI 49864
(619) 922-1115

MINNESOTA

Child Care Information Network
1006 W. Lake Street
Minneapolis, MN 55408
(612) 823-7243

Child Care Resource Center & Library
3602 Fourth Avenue South
Minneapolis, MN 55409
(612) 823-5261

Child Care Resource & Referral, Inc.
2116 SE Campus Drive
Rochester, MN 55904
(507) 287-2020

Resources for Child Caring, Inc.
906 N.Dale Street
St. Paul, MN 55103
(612) 488-7284

MISSISSIPPI

No identified R & Rs

MISSOURI

YWCA of Kansas City
1000 Charlotte
Kansas City, MO 64106
(816) 842-7538

Child Day Care Association (CDCA)
915 Olive Street, Suite 913
St. Louis, MO 63101
(314) 241-3161

MONTANA

Family Resources Inc.
1610 Flowerree
Helena, MT 59601
(406) 443-4608

Child Care Resources
Worden & Phillips
P.O. Box 7038
Missoula, MT 59807
(406) 728-6446

NEBRASKA

Omaha Child Care Referral, Inc.
5015 Dodge
Omaha, NE 68132
(402) 551-2379

NEVADA

Bureau of Services for Child Care
505 E. King Street, Room 606
Carson City, NV 89710
(702) 885-5911

United Way of N. Nevada
P.O. Box 2730
Reno, NV 89905
(702) 329-4630

NEW HAMPSHIRE

UNH Child Care R & R
O'Kane House
Durham, NH 03824
(603) 862-2895

Child Care Project
302 Parkhurst Hall
Hanover, NH 03755
(603) 646-3233

Greater Nashua Child Care Center
2 Shattuck Street
Nashua, NH 03060
(603) 883-4431

NEW JERSEY

Camden County Dept. of Children's Services
County of Camden Admin. Bldg.
Lower Level
600 Market Street
Camden, NJ 08102
(609) 757-4424

Community Coordinated Child Care
60 Prince Street
Elizabeth, NJ 07208
(201) 353-1621

Bergen County Office for Children
355 Main Street
Hackensack, NJ 07601
(201) 646-3694

The Child Care Connection, Inc.
P.O. Box 6325
Lawrenceville, NJ 08648
(609) 896-2171

Children's Services of Morris County
1 W. Hanover Avenue
P.O. Box 173
Mt. Freedom, NJ 07970
(201) 895-2703

Child Care Clearinghouse of Middlesex County
Davison Hall, Room 10, Nichol Avenue
New Brunswick, NJ 08903
(201) 932-8881

Atlantic County Women's Center
Child Care Resource Network
P.O. Box 311
Northfield, NJ 08225
(609) 646-1180

Passaic County Child Care Coordinating Agency, Inc.
262 Main Street, 5th Floor
Paterson, NJ 07505
(201) 684-1904

E.I.R.C.
Southern Regional Child Care Resource Center
P.O. Box 209
Sewell, NJ 08080
(609) 228-6000 Ext. 235

Apple Pie
P.O. Box 43162
Upper Montclair, NJ 07043
(201) 746-7813

Programs for Parents, Inc.
56 Grove Avenue
Verona, NJ 07044
(201) 857-5177

NEW MEXICO

Carino Child Care Resource & Referral
of the YWCA of Albuquerque
P.O. Box 27748
Albuquerque, NM 87125
(505) 266-9922

Roswell Child Care Resource & Referral, Inc.
P.O. Box 3038
Roswell, NM 88202-3038
(505) 623-9438

NEW YORK

Capitol District Child Care
Coordinating Council, Inc.
88 North Lake Avenue
Albany, NY 12206
(518) 434-5214

Broome County Child Development Council
29 Fayette Street
Binghamton, NY 13901
(607) 723-8313

Child Care Resource & Referral Center
of the Niagara Frontier YWCA of Buffalo
190 Franklin Street
Buffalo, NY 14202
(716) 852-6124

Child Care Council of Suffolk, Inc.
145 Pidgeon Hill Road
Huntington Station, NY 11746
(516) 427-1206

Child Care, Inc.
275 Seventh Avenue
New York, NY 10001
(212) 929-7604

Dutchess County Child Development Council, Inc.
53 Academy Street
Poughkeepsie, NY 12601
(914) 473-4141

Rockland Council for Young Children, Inc.
185 North Main Street
Spring Valley, NY 10977
(914) 425-0572

Child Care Council of Westchester, Inc.
470 Mamaroneck Avenue
White Plains, NY 10605
(914) 761-3456

Steuben Day Care Project
117 E. Steuben Street
Bath, NY 14810
(607) 776-2125

Child Development Support Corp.
677 LaFayette Avenue
Brooklyn, NY 11216
(718) 782-5888

Day Care Council of Nassau County
54 Washington Street
Hempstead, NY 11550
(516) 538-1362

Day Care & Child Development Council of
Tompkins County, Inc.
306 N. Aurora Street
Ithaca, NY 14850
(607) 257-2950

Family Resource Center
137 E. 2nd Street
New York, NY 10009
(212) 677-6602

Western New York Child Care Council, Inc.
1257 University Avenue, #201
Rochester, NY 14607
(716) 244-3960

Onondaga County Child Care Council
215 Bassett Street
Syracuse, NY 13210
(315) 472-6919

NORTH CAROLINA

Buncombe County Child Development
50 S. French Broad Avenue
Asheville, NC 28801
(704) 255-5725

Child Care Networks
Carr Mill Mall, Suite 222
Carrboro, NC 27510
(919) 942-0186

Child Care Resources, Inc.
700 Kenilworth Avenue
Charlotte, NC 28204
(704) 376-6697

Child Care Information Program of
United Day CareServices
1200 Arlington Street
Greenboro, NC 27406
(919) 273-9451

Davidson County Community College
Child Development Center
P.O. Box 1287
Lexington, NC 27292
(919) 475-7181

First Line (Forsyth Information &
Referral Service Telephone Line)
660 W. Fifth Street
Winston-Salem, NC 27106
(919) 727-8100

Durham Day Care Council
119 Orange Street
Durham, NC 27701
(919) 688-8661

Child Care Resource &
Referral Agency of High Point
P.O. Box 5461
High Point, NC 27260
(919) 887-3714

Wake Up for Children
Wake County CCR & R
103 Enterprise Street, Suite 208
Raleigh, NC 27607
(919) 821-0482

NORTH DAKOTA

No R & Rs identified

OHIO

Comprehensive Community Child Care
2400 Reading Road, #109
Cincinnati, OH 45202
(513) 621-8585

Action for Children
92 Jefferson Avenue
Columbus, OH 43215
(614) 224-0222

Center for Human Services
Child Care Resource Center
1240 Huron Road, 5th Floor
Cleveland, OH 44115
(216) 241-6400

Child Care Clearinghouse
414 Valley Street
Dayton, OH 45404
(513) 461-0600

OKLAHOMA

Child Care Connection
3014 Paseo
Oaklahoma City, OK 73103
(405) 525-8782

Child Care Resource Center
1430 South Boulder
Tulsa, OK 74119
(918) 585-5551

OREGON

West Tuality Child Care Services
2813 Pacific Avenue, Suite C
Forest Grove, OR 97116
(503) 648-0838

Child Care Information Service
325 13th Street, NE
Salem, OR 97301
(503) 585-2789

A.M.A. Family Day & Night Care
P.O. Box 11243
Portland, OR 97211
(503) 285-0493

PENNSYLVANIA

Lehigh Valley Child Care, Inc.
1600 Hanover Avenue
Allentown, PA 18103
(215) 820-5333

Child Care Systems, Inc.
840 W. Main Street, 3rd. Floor
Lansdale, PA 19446
(215) 362-5070

CHOICE-Child Care Choices
125 S. 9th Street, Suite 603
Philadelphia, PA 19107
(215) 592-7644

Child Care Network
200 Ross Street
Pittsburgh, PA 15219
(412) 392-3131 (800) 392-3131

Community Services for Children, Inc.
431 E. Locust Street
Bethlehem, PA 18018
(215) 691-1819

PROBE
PSU/Capital College
Middletown, PA 17057
(717) 948-6313

Community Services for Children
431 E. Locust Street
Philadelphia, PA 18018
(215) 691-1819

Child Care Consultants
1427 E. Market Street
York, PA 17403
(714) 854-2273

RHODE ISLAND

Options for Working Parents
30 Exchange Terrace
Providence, RI 02903
(401) 272-7510

SOUTH CAROLINA

Yes, Inc.
2129 Santee Avenue
Columbia, SC 29205
(803) 252-4216

Greenville's Child
P.O. Box 8821
Greenville, SC 29604
(803) 242-8320

SOUTH DAKOTA

No R & Rs identified

TENNESSEE

No R & Rs identified

TEXAS

Austin Families, Inc.
3305 Northland Drive, Suite 410
Austin, TX 78731
(512) 454-4732

Child Care Resource & Referral
Houston Committee for Private Sector Initiatives
1233 W. Loop South #1325
Houston, TX 77027
(713) 840-1255

Child Care Answers
1499 Regal Row, Suite 400
Dallas, TX 75247
(214) 630-7911

City of San Antonio Child Abuse Prevention Program
P.O. Box 9066
San Antonio, TX 78285
(512) 299-7137

UTAH

Child Care Connection
576-E South Temple
Salt Lake City, UT 84102
(801) 355-7444

VERMONT

Child Care Resource & Referral Center
179 S. Winooski Avenue
Burlington, VT 05401
(802) 863-3367

Child Care Info Service
Vermont College
Montpelier, VT 05602
(802) 223-8771

VIRGINIA

City of Alexandria-Child Care Office
2525 Mt. Vernon Avenue, Unit 2
Alexandria, VA 22301
(703) 838-0750

Fairfax County Office for
Children Child Care Information System
11212 Waples Mill Road
Fairfax, VA 22030
(703) 691-3175

The Planning Council
First Virginia Bank
130 W. Plume Steet
Norfolk, VA 23510
(804) 622-9268

Council for Children's Services
P.O. Box 895
Williamburg, VA 23187
(804) 229-7940

CVCDA Office for Children & Youth
310 E. Market Street
P.O. Box 424
Charlottesville, VA 22903
(804) 977-4260

Concepts in Child Care
9127 Euclid Avenue
Manassas, VA 22110
(703) 369-8647

Council of Community Services
920 S. Jefferson
P.O. Box 496
Roanoke, VA 24003
(703) 985-0131

WASHINGTON

Child Care Resource & Referral Service
9224 Holly Drive
Everett, WA 98204
(209) 347-6661 (800) KID-LINE

Crisis Clinic-Day Care Referral Service
1515 Dexter Avenue, N. #300
Seattle, WA 98109
Bus. (206) 461-3213

Washington State CCR & R
Common, Room 103
Pullman, WA 99164
(509) 335-7625

WEST VIRGINIA

Central Child Care of West Virginia
P.O. Box 5340
Charleston, WV 25361-0340
(304) 340-3667

WISCONSIN

Wisconsin Child Care Improvement Project
P.O. Box 369
Hayward, WI 54843
(715) 634-3905

Community Coordinated Child Care
(4-C's of Milwaukee County)
2014 W. McKinley Avenue
Milwaukee, WI 53205
(414) 933-9324

Community Coordinated Child Care (4-C)
3200 Monroe Street
Madison, WI 53711
(608) 238-7338

WYOMING

Unable to identify any R & Rs

APPENDIX THREE

STATE LICENSING AGENCIES

ALABAMA
Family and Children's Services
64 North Union Street
Montgomery, AL 36130-1801
(205) 261-5785

ALASKA
Box 805
Juneau, AK 99801-0630
(907) 465-2105

ARIZONA
State Health Department
Office of Child Day Care
411 North 24th Street
Phoenix, AZ 85008
(602) 829-0500

ARKANSAS
Child Development Unit
Children and Family Services
P.O. Box 1437
Little Rock, AR 72203
(501) 371-2198

CALIFORNIA
Community Care Licensing Division
744 P Street, Main Station 17-17
Sacramento, CA 95814
(916) 322-8538

COLORADO
Day Care & Home
Department of Social Services
1717 17th Street
P.O. Box 18100
Denver, Colorado
(303) 294-5943

CONNECTICUT
Care Department of Health Services
150 Washington Street
Hartford, CT 06106
(203) 566-2575

DELAWARE
Licensing Department
330 East 50th Street
Wilmington, DE 19802
(302) 736-5487

DISTRICT OF COLUMBIA
DCRA/SFRA
614 H Street, NW
Room 1031
Washington, DC 20001
(202) 727-7226

FLORIDA
Department of Health & Rehabilitative Services & Families
Division of Children & Youth
1317 Winewood Blvd., Bldg. 8
Tallahassee, FL 32301
(904) 488-4900

GEORGIA
Child Care Licensing Section Director
Department of Human Resources
Office Of Regulatory Services
878 Peachtree Street, NE
Room 607
Atlanta, GA 30309
(404) 894-5688

HAWAII
Department of Social Services and Housing
Public Welfare Division
P.O. Box 339
Honolulu, HI 96809
(808) 548-2302

IDAHO
Department of Health & Welfare
450 West State Street
Boise, ID 83720
(208) 334-5702

ILLINOIS
Department of Children & Family Services
406 E. Monroe
Springfield, IL 62701-1381
(217) 785-2958

INDIANA
Child Welfare Division
State Welfare Department
141 Meridian Street, 6th Floor
Indianapolis, IN 46225
(317) 232-4440

IOWA
Department of Human Services
Division of Adult, Children and Families
Hoover State Office Building
Fifth Floor
Des Moines, IA 50319
(515) 281-6074

KANSAS
State Department of Health & Environment, Child
900 Jackson Street, 10th Floor
Topeka, KS 66620-0001

KENTUCKY
Division for Licensing & Regulation 275 East Main Street
CHR Building, 4th Floor East
Frankfort, KY 40621
(502) 564-2800

LOUISIANA
Division of Licensing & Certification
P.O. Box 3767
Baton Rouge, LA 70821
(504) 529-1681

MAINE
Department of Human Services
Licensing Unit
State House Station 11
August, ME 04333
(207) 289-5060

MARYLAND
Maryland Dept. of Human Resources
Office of Child Care Licensing & Regulations
311 W. Saratoga Street
Baltimore, MD 21201
(301) 333-0193

MASSACHUSETTS
State Office for Children
150 Causeway Street
Boston, MA 02114
(617) 727-8956

MICHIGAN
Department of Social Services
Office of Children & Youth Services
300 South Capital Avenue
Ninth Floor
Lansing MI 48926
(517) 373-3426

MINNESOTA
Department of Human Services
Division of Space Center- Sixth Floor
St. Paul, MN 55101
(612) 296-3971

MISSISSIPPI
Division of Special Licensing Department of Health
P.O. Box 1700
Jackson, MS 39205
(601) 960-7740

MISSOURI
Department of Mental Health
Division of Family Services
Licensing Unit
P.O. Box 1527
2002 Missouri Boulevard
Jefferson City, MO 65102
(314) 751-4279

NEBRASKA
Nebraska Department of Social Services
Early Childhood Program
301 Centennial Mall South
P.O. Box 95026
Lincoln, NE 68509-5026
(402) 471-9205

NEW HAMPSHIRE
Division of Public Health Services
Bureau of Child Care Standards
Health & Human Services Building
6 Hazen Drive
Concord, NH 03301-8584
(603) 271-4624

NEW MEXICO
Department of Health & Environment
Harold Reynolds Building
P.O. Box 968
Santa Fe, NM 87501
(505) 827-2416

NORTH CAROLINA
Department of Human Resources
Division of Facility Services
Child Day Care Section
701 Barbour Drive
Raleigh, NC 27603-2008
(919) 733-4801

OHIO
Child Care Regulatory Unit
Department of Human Services
Columbus District Office
899 East Broad Street
Columbus, OH 43205
(614) 466-3822

OREGON
Department of Human Resources
Children's Services Division
198 Commercial Street, SE
Salem, OR 97310
(503) 378-3178

MONTANA
Bureau of Social Services
P.O. Box 4210
Helena, MT 59604
(406) 444-3865

NEVADA
Child Care Service Bureau
505 East King Street
Carson City, NV 89710
(702) 885-5911

NEW JERSEY
Division of Youth & Family Services
1 South Montgomery Street
CN 717
Trenton, NJ 08625
(609) 292-0616

NEW YORK
State Department of Social Services
Office of Child Day Care
40 Pearl Street
Section 10C
Albany, NY 12243
(518) 473-0435

NORTH DAKOTA
Children and Family Services
State Capitol
600 East Boulevard
Bismarck, ND 58505
(701) 224-3580

OKLAHOMA
Department of Human Services
Licensing Unit
P.O. Box 25352
Oklahoma City, OK 73125
(405) 521-3561

PENNSYLVANIA
Department of Public Welfare
Office of Policy Planning & Evaluation
Day Care Division
P.O. Box 2675
Harrisburg, PA 17120
(717) 783-2206

RHODE ISLAND
Department for Children & Their Families
610 Mt. Pleasant Avenue
Providence, RI 02908
(401) 457-4540

SOUTH DAKOTA
Department of Social Services
760 North Illinois Street
Pierre, SD 57501
(605) 224-9323

TEXAS
Department of Human Resources
P.O. Box 2960
Austin, TX 78769
(512) 450-3011

VERMONT
Department of Social & Rehabilitation Services
103 South Main Street
Waterbury, VT 05676
(802) 241-2158

WASHINGTON
Division of Children & Family Services
Mail Stop OB-41
Olympia, WA 98504
(206) 752-0204

WISCONSIN
Division of Community Development
Office for Children, Youth & Families
P.O. Box 7851
Madison, WI 57307
(608) 266-8200

SOUTH CAROLINA
Department of Social Services
Day Care Division Regulatory Unit
P.O. Box 1530
Columbia, SC 29204
(803) 734-5740

TENNESSEE
Department of Human Services
Citizen's Plaza Building
400 Deadrick Street
Nashville, TN 37219
(615) 741-7129

UTAH
Department of Family Services
150 West North Temple Street
Salt Lake City, UT 84103
(801) 538-4100

VIRGINIA
Department of Social Services
8007 Discovery Drive
Richmond, VA 23229-8699
(804) 281-9025

WEST VIRGINIA
Department of Human Services
1900 Washington Street East
Charleston, WV 25305
(304) 348-7980

WYOMING
Department of Health & Social Services
Division of Public Assistance and Social Services
Hataway Building
Cheyenne, WY 82002-0710
(307) 777-6891

APPENDIX FOUR

SAMPLE PERMIT PROCEDURE

City of Albuquerque, New Mexico

QUESTIONS AND ANSWERS

In order to clarify some of the new procedures and regulations for operating a Family Day Care Home in Albuquerque, the following questions and answers are provided:

1. What is a Family Day Care Home?

Section 5.B.29. of the City Zoning Code defines a Family Day Care Home as "an occupied dwelling in which a person provides for remuneration of at least four but not more than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who are age six or more shall not be counted for this definition."

2. Do I count my own children when determining how many children will be provided care?

Yes, but only count your children who are under the age of six.

3. May anyone operate a Family Day Care Home from his/her residence?

Yes. Those providers caring for fewer than seven children may operate without special permission. Those homes with seven to twelve children must first obtain a Conditional Use from the Zoning Hearing Examiner.

4. What is a Conditional Use?

A Conditional Use is an allowed use in a particular zone which must be individually approved by the Zoning Hearing Examiner after a public hearing. Not all Conditional Use applications are approved and some which are ap-

proved have specific conditions attached.

5. Why would my application for a Conditional Use not be approved?

There is no single answer to this question. The burden is on the applicant, however, to show that approval of the Conditional Use will not be injurious to the surrounding neighborhood and that the neighborhood will not negatively affect the use.

6. What conditions might be imposed to gain approval of my application?

Again, the answer varies. Fencing or adequate parking for parents dropping off or picking up their children may be required. The public hearing will determine what, if any, conditions are imposed.

7. If I obtain a Conditional Use, may I have any employees?

Yes, one assistant may be allowed for the care of seven to twelve children.

8. Do I need a business license to operate a Family Day Care Home?

Yes. A business license must be obtained through the City Treasurer after Zoning approval. If a Conditional Use is required, it must be secured prior to application for a business license.

Anyone desiring further information concerning Family Day Care Homes should contact the Zoning Enforcement Section at 764-1664, or visit the office at 600 2nd Street, NW. between 8:00 a.m. and 5:00 p.m., Monday through Friday.

FAMILY DAY CARE HOME

Procedure for Application

Zoning regulations regarding Family Day Care Homes have recently been modified to more closely reflect the new State requirements. Homes caring for fewer than seven children (including residing children under age six) may now operate without review and approve through a public hearing. Those homes caring for seven or more children must still obtain a Conditional Use, but may now care for a maximum of 12 children instead of the previous maximum of ten. In addition, those homes with seven to 12 children may employ an assistant to work in the provider's home.

For those providers who wish to care for no more than six children, the procedure for Zoning Section approval is as follows:

1. Obtain a State Tax I.D. Number - This can be accomplished at the Bureau of Taxation and Revenue located in the First National Bank Building at San Mateo Blvd., & Central Avenue, N.E.

2. Make Application for a City Business License - A City Treasury representative located at 123 Central Avenue, N.W. will ask for the provider's State Tax I.D. number, ask the provider to complete a business license application and send the provider on to the Zoning Section for review.

3. Obtain Zoning Approval- (See Attachment "A") Answer each question on the form. Once the application has been approved, the provider will receive a statement of zonal certification (See Attachment "B") as required by the State of New Mexico.

4. Obtain a City Business License - Return to the City Treasury representative after zoning approval. An annual $25.00 fee is required to maintain the license. A personal check will be accepted.

5. Begin operation - Family Day Care Homes may be randomly checked to ensure compliance with any requirements of the Zoning Code.

Those providers wishing to care for more than six children must first obtain a Conditional Use through a public hearing. A $40.00 filing fee will be charged for the hearing and approval of the request is required before any other applications are made. After approval, begin at step one and proceed in the same manner as above.

The Zoning Enforcement Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday to answer any questions.

APPENDIX FIVE

SAMPLE PERMIT ORDINANCE

City of Auburn, California
Article 26, Large Family Day Care Home Permit
Section 9-4.2601. Purpose.

The Council finds that affordable, quality licensed child care within the City of Auburn is critical to the well-being of parents and children in the community. Further, it is the purpose of this article is to facilitate the establishment of licensed family day-care home facilities in the City of Auburn in a manner which simplifies the review and approval process while ensuring conformance with applicable standards to protect residential neighborhoods.

Special regulation of such facilities is necessary in order to insure that these facilities will not create any adverse effect on surrounding properties nor contribute to a general decline to existing single-family residential neighborhoods.

Section 9-4.2602. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) "Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes.

(b) "Day care center" means any child day care facility other than a small or large family day care home, and includes infant centers, preschools, and extended day care facilities.

(c) "Family day care home", means a home which regularly provides care, protection, and supervision of 12 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following:

(1)"Large family day care home" shall mean a home which provides family day care to 7 to 12 children, inclusive, including children who reside in the home.

(2)"Small family day care home" shall mean a home which provides family day care to six (6) or fewer children, including children who reside at the home.

(d) "Provider" means a person who operates a child care facility and is licensed by the State of California, Department of Social Services.

Section 9-4.2603. Large Family Day Care Home Permit.

The Community Development Director shall grant a permit for a large family day care home as an accessory residential use on property zoned for single-family residences provided that the use complies with all of the following standards:

(a) The facility is the principle residence of the provider and the use is clearly incidental and secondary to the use of the property for residential purposes.

(b) No structural changes are proposed which will alter the character of the single-family residence.

(c) Provisions have been made to provide at a minimum one off-street parking space per employee. The residential driveway is acceptable if the parking space will not conflict with any required child drop-off/pick-up area and does not block the public sidewalk or right-of-way.

(d) The operation of the facility shall comply with noise standards contained in Title 5, Chapter 7 of the Auburn Municipal Code.

(e) Residences located on major arterial streets must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway.

(f) The provider shall comply with all applicable regulations of the fire department regarding health and safety requirements.

(g) The provider has secured a large family day care home license from the State of California, Department of Social Services.

(h) The facility will be operated in a manner which will not adversely affect adjoining residences nor be detrimental to the character of the residential neighborhood.

The Planning Department is hereby authorized to establish a fee necessary to process the large family day care home permit which shall be identified on the applicable Planning and Zoning Fee Schedule adopted, and periodically amended, by the Auburn City Council.

NOTES

1. In 1968, the then U.S. Department of Health, Education, and Welfare (HEW) developed a set of child care standards that it intended to have adopted by all federal agencies involved in funding day care programs. They were known as the Federal Interagency Day Care Requirements (FIDCR). After a decade of confusion about how these standards were to be implemented at the state level, Congress eliminated the statutory basis for FIDCR in 1981. Because of the wide variation of standards and definitions among the states, a new drive to establish federal minimum child care standards has been incorporated in a bill called the Act for Better Child Care (the "ABC" bill) now before Congress.

2. For further discussion of the impact of child care location on employed parents' daily routines and the importance of planning for both transportation and child care in an integrated fashion, see William Michelson, "Divergent Convergence: The Daily Routines of Employed Spouses as a Public Affairs Agenda," *Public Affairs Report, Bulletin of the Institute of Governmental Studies* (Berkeley: 1985) Vol. 26, No. 4, pp. 1-10 and by the same author, *Sun to Sun: Daily Obligations and Community Structure in the Lives of Employed Women and Their Families* (Totowa, N.J.: Rowman and Allenheld Publishers, 1985).

3. See, for example, *Child Care in Maine: An Emerging Crisis*, Report and Recommendations of the Maine Child Care Task Force (1984); *Child Care Information Kit*, California Child Care Resource and Referral Network (1985); and *Day Care: Investing in Ohio's Children*, Children's Defense Fund-Ohio (1985).

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ABOUT THE NATIONAL LEAGUE OF CITIES

The National League of Cities was established in 1924 by and for reform-minded state municipal leagues. It now represents forty-nine leagues and more than 1,400 cities directly, and through the membership of the state municipal leagues, 16,000 cities indirectly.

NLC serves as an advocate for its members in Washington in the legislative, administrative, and judicial processes that affect them; develops and pursues a national urban policy that meets the present and future needs of our nation's cities and the people who live in them; offers training, technical assistance and information to municipal officials to help them improve the quality of local government in our urban nation; and undertakes research and analysis on topics and issues of importance to the nation's cities.

ABOUT THE CHILDREN AND FAMILIES IN CITIES PROJECT

NLC's **Children and Families in Cities Project** is an ongoing effort to encourage and help local elected officials to meet the needs of children and families.

The project, through a survey of many cities, has "mapped" city hall interests, involvement, and needs concerning issues affecting children and families, especially those living in poverty. The analysis of this survey was reported in *Our Future And Our Only Hope*, and the information is helping NLC develop assistance tailored to the needs of city officials. Other project activities include specialized workshops and publications, including the booklet *Your City's Kids*, a useful guide to how local officials can think about and plan for children and families, and a forthcoming handbook on evaluating local programs serving children and families. Funding for these activities is being provided by grants from Carnegie Corporation of New York, the Lilly Endowment, and the Rockefeller Foundation.

In 1987, as part of the project's planning phase, NLC published *Children, Families & Cities: Programs that Work at the Local Level*, a casebook of thirty-two model programs that can be adapted by other cities and towns, complete with contact information for each program and references to other organizations that offer advice and publications. Topics covered include strategic planning, youth employment, child care, teen pregnancy prevention, and child and family homelessness. Funding for this publication was provided by a grant from the Foundation for Child Development.

For information about project activities, contact: John E. Kyle, Project Director, Children and Families in Cities Project, National League of Cities, 1301 Pennsylvania Avenue NW, Washington, D.C. 20004, (202) 626-3000.